

**CLOSED
UNTIL**

C.O.

Brunei

1948

1998

No.

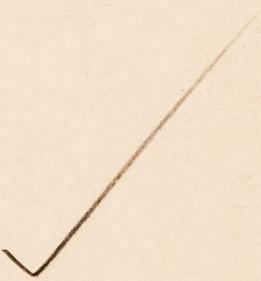
59706

C.O. 943/1/5

SUBJECT

Constitution

E
1227



Previous

59706/49
Secret.

Subsequent

59706/1/49

1998

1948 notes

2

1. Gov Gen — Sav 31 — 24. 12. 47

2. Gov Gen — Sav 32 — 24. 12. 47

In view of para 2
of (1) : like as in draft
resolution.

Sent to Tel. Section

Km
25/148

2^A Information
to Gov Gen — 12/18 — Sp — 8. 1. 48.

3. Note for discussion with Gov Gen —

Mr. ~~Seed~~

Referred as (3) is
a note for discussion
with Mr. Gen. Govt., with
a short copy for you.

D. Marger
6/148

Many thanks very taken,

Sp 7/

Sir G. Whitley

3

I have learnt from Mr Watson that the Commonwealth Affairs Committee meeting has been postponed, and a new date has not yet been fixed. The draft letter to Sir Alan Lascelles is ready to go when Cabinet approval has been obtained. You may wish to see the papers might then be put by for the moment. (we may need them next week with the Governor-General).

PB Ramage

8.1.48

4. Cabinet Offices ————— 10. 1. 48.

The approval of the Commonwealth Affairs Committee of the memo. at (23) on 1947 file may now be assumed (5), and I send forward draft letter to Sir Alan Lascelles accordingly.

PB Ramage

16.1.48

Lam
16/1.

Sir G. Whitley

Two drafts submitted as suggested. Text of press communiqué is that of (2) as amended by (3) and (6).

PB Ramage

22.1.48

5. Note by Mr D. Smith 4 16.1.48.
6. Gov. Gen. Malaya Saw. 4 5 16.1.48.
7. " " " " " 5

I put up a draft reply to (7) from
Mr Macdonald following this morning's
discussion.

2 Text of press communiqué as
agreed will be conveyed by Private
Cavendish as in draft at which I
have passed.

G.C. Whitcher
22/1.

M. Secy.

I have discussed
with the above two dealers.

Draft to be
A. Lascelle submitted.

16.1.48
23/1

8 Sir Alan Farnell
9 Sir Alan Farnell
10 Sec. Gen. Tel 99
11

Sir G. Whiteley. II. Sec.-Gen., Sav. 24.

5
20.1.48
25.1.48
28.1.48
30.1.48

The draft Commission opposite has been passed by
Mr McPhee. You might like to see before it
returns to Mr T. X. Thompson ~~for distribution~~, who
will arrange for printing, for submission to H.M.

The ~~final~~ draft of the ~~new~~ note on the
status and duties of the Commissioner-General is
being prepared on 55364/3/3/48 attached. I have
noted the necessary amendments on that file,
which could now be released to Mr Morris.

M.B. Ramage

Note ① Commission is expressed to come into ^{2.2.48} operation when published in the territory.
We are working provisionally to 1st May as date of change. K.I.V. to clear this point & notify Govt & all concerned.

② Para 2 of Saving No 24. To N.B. to inform Govt. that changes have received H.M.'s approval & commission is being prepared for submission.

G.C.W 3/2.

Mr. Thompson

Draft Commission opposite can now be detached for printing. Would you kindly return file, ^{to MR Ramage} for other outstanding action to be taken?

Can you say when the Commission is likely to be ready for submission to H.M., & indicate the procedure governing submission?

G.C. Whitley

3/2.

The Commission should be ready towards the end of this month. G.W. will arrange for submission to H.M.

S.H. Pennington
4/2

To.

12. Prov Gen Singapore Tel 153 Secret 6/2/48

13. Gov. Gen. Malaya Tel 62.

12.2.48.

Lu G Whitley.

The constitutional position is described in the Memo. on (23) of 1947. I see no objection to the amendment proposed in para. 2 of (13) for the press statement & submit a draft reply.

K. P. Jaffar 18/2

~~Handwritten~~

15. Tel G. G. 44

23-2-48.

(15) The amendments suggested may be accepted & I have incorporated them in the Press Communiqué at (11) along with that suggested at (13).

It is proposed (para 1 of (15)) to publish the Communiqué in the local papers on the morning of 2nd March & publication shd. be made simultaneously here. Before the date of publication is finally fixed you have suggested that consideration shd. be given to the desirability of informing the House of these administrative changes in Brunei by means of a reply to an arranged P.Q.

This wd. have the advantage of our getting in first with an authoritative statement of the facts before distortion & insinuation can do any damage. Also in view of the interest now being taken in F.E. territories, it seems worth while, on that ground alone, to arrange an opportunity of giving this information to the House.

If this course is approved, then it will be necessary to postpone publication of the Communiqué until ^{Thursday} 4th March, i.e. the day following Question day.

G. C. Whittley

24/2

First publication
of date of amalgamation

16. Note by Sir Gerald Whiteley 24.2.48.

I learn from Mr. Morris that the date of the proposed amalgamation of the posts of Gov. Genl. & Sp. Comm. in S.E.A has not been fixed or given publicity in the F.O. They ~~are~~ feel that at this stage it is undesirable to make ^{any way definite} reference to the date, & suggest amendment in this respect of paras. 1 & 2(a) of the Press Communiqué at 11.

2. The F.O. are also anxious that in the communiqué's description of the new post should avoid as far as possible reference to the Governor General element as in discussions ~~with~~ of the new amalgamation of the posts of G.G. & Sp. Comm. in S.E.A. with foreign states the retention of the title of Gov. Gen. has aroused some suspicion & adverse criticism. They have ∴ suggested a means of getting over their difficulties in this respect as in the ^{proposed} amendments to ~~this~~ (11) which I have put opposite.

3. As regards date, I see no objection to the more general reference proposed for para 1 & the elimination of any reference to the date in para 2(a).

4. Nor do I see any objection to the proposed amendments opposite to paras 1 & 2(a). The substitution of the personal reference to MR MacDonald in para 2(b)

is perhaps not so happy as the original 'Gov. General' but does not seem to be of any very real consequence. It will at any rate be clearly understood locally.

I think therefore we might accept the F.O. suggestions & ~~not~~ clear them with the A.G. Gov. Genl.

G.C. Whiteley

24/2

17. Press Announcement Incorporating F.O. amendments

Mr. Seel

I attach at (17) a revise of the proposed Press communique incorporating the Foreign Office amendments set out in Sir Gerald Whiteley's note at (16), which I agree we might accept. I presume the Foreign Office point is that they wish to avoid the implication that on the amalgamation of the two posts, Mr. MacDonald's principal role will be that of Governor-General.

I submit a draft telegram to the Acting Governor-General agreeing to the amendments suggested by him in No. 15 and putting to him the above Foreign Office amendments. I have also included a paragraph saying that we have under consideration the possibility of an announcement in Parliament, and asking the Governor-General in the meantime to defer making final arrangements for the local publication on the 2nd March.

If there is to be any postponement of the date of local publication it is desirable that the Acting High Commissioner should be informed of it at once, and that the telegram should not be delayed to get a decision on the question of arranging for a P.Q. and simultaneous publication here and in Malaya.

If the draft telegram is agreed as it stands, it might be detached from the file, which could then be submitted for a decision on the question of an arranged P.Q. Personally I am in favour of the new arrangements being made known to the House in this way.

H. G. Parker
25.2.48.

17 May

I have passed the draft telegram.
But I think it won't be acceptable
on the face when you submit
the proposal for a P.Q. This will
have to be on March 3rd. I
talked to so that the H. High
Commissioner's programme will
have to be suspended.

SM
25/2

18. Acting Gw. Gen Tel 204
19. Acting Gw. Gen Tel 205
Mr. Seel

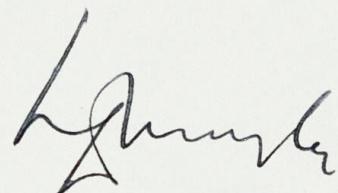
25.2.48.

Re-submitted for a decision on the
question of arranging for the House of
Commons to be informed of the new arrange-
ments concerning Brunei.

The two telegrams referred to in
my minute of the 25th February have gone
off (Nos. 18 and 19) and if there is to be
an arranged Question it should, as you
have pointed out, be asked on the 3rd March.
If, however, there is not to be an arranged
Question, the Acting High Commissioner can
go ahead with his arrangements for local
publication on the morning of Tuesday the
2nd March.

there

In view of the discussion which has been in the House on Malayan, including Sarawak, affairs and the facility with which misunderstandings may arise over the new Brunei arrangements - intentionally, or unintentionally - I think there would be a definite advantage in arranging a Parliamentary Question so that it can be made clear to the House at the outset that the new arrangements are of a purely administrative nature and that no treaty revision is involved.



26.2.48.

Sir T. Lloyd

Sir E. Gent as. High

(15) Commissioner has proposed
to make a public announcement
on March 2nd of the changes
in regard to the administrative
of Brunei which have been
approved by the Commonwealth
Affairs Committee (23 a 59706/47)

The Dcp^r' suggest, and
 I agree, that a statement
 should be made in the
 Commons, a draft is
 submitted. But if there
 is taken on Wednesday,
 the q. by the Comm. over
 will have to be asked to
 defer his local statement
 until then.

If the draft Q & A
 for 3. March is approved,
 may Dep^r. have the file
 back to notify Sir E sent
 asking him to defer his
 statement?

[appr. likely w - J]

(He has been
 warned.
 See No. 18)

13

Course, that the Q & A should be latter on Thurs day, but there may not be time to arrange that.]

SP
27.2

Better get his question down in ^{and} ~~and~~ written up as Thurs 2nd Read.

I.G.C.R.D.
27.2

* We have only just been able to give Govt. Govt. the all clear (10.30 AM) = 6 abt. 6.30 pm. local time). It is ∴ doubtful whether local publication can be effected before morning papers of Thurs. 4th March. It is therefore subsequently, & agreed to, desirable that our Press announcement shd. not appear release on 3rd without ¹ embargo. Ind. you pl. arrange for publication on morning of 4th. of communiqué at (17)

G.C.Whitley
2/3

20. Acting G.W. Feb. 79. 14 27.2.48,

21. Draft Question Answer (Mr. D. L. Jones) 2/3

22. Draft Question & Answer (Mr. D. L. Jones) 2/3

23. Acting G.W. Feb 27

Sir G. Whiteley. Sarawak Feb. 80

2/3-4/3

We spoke (Mr. Mayle, yourself, Mr. Haler),
and it was agreed that the press notice at enclosure
17 should be issued without embargo on Wednesday
(March 3, 1948).

D. H. Haler,
G.W. 2/3
3/3.

In fact

You wanted to see these
papers again. I hope this,
by holding up publication
of the two Communiqués
here until tomorrow morning,
will may lessen the
chances of embarrassment
in Sarawak in consequence
of the nature of notice
of the P.A. (23)

See Mr. O'Brien's note on
Sarawak page 4/3

March
3/3

24 Note by Mr Seal

25. Note by Mr Osborne

Is it necessary

for this file to
be still Secret?

3. 3-48,
4. 3-48,

15

SP
573

This (1948) volume
~~bottom~~ can be made
'open'. Previous Vols.
had better retain their
Secret status.

G.C. Whitcher
5/3

MS

26 Commission appointing the
O.A.G. the Govt. of Sarawak
to be High Commr. for Brunei. 9.3.48.

Nos. 12 & 26.

?As in draft herewith.

Cathlunk
9/3/48.

In G Whittley.

No comments. You may like to see.

H.G. Ashton 9/3.

Note: after despatch of Commission, we
shd. send a copy of (7) to Mr Christofas
of the F.O. with my compliments, ref. our
tel. enumeration of 24/2 (see min. of
that date)

G.C.W.

9/3.

27 to Smales. Desp. No 28 w/ sealed c/16 prints of Commr. Cons 23.3.48

28 to Malaya. Desp. No. 30 w/ copy (27) and 3 prints of info. L + 23.3.48

29 to G. G. Malaya — tel. 15 Jan. See — 9-3-48
30 " " " 17 " " 16-3-48

Draft attached. You will wish to

see (29).

pp Range

23.3.48

(31) Christopher May 17 —

25 MAR 1948

17

Sir G. Whiteley

You will wish to see (30).

M.B.Ramage

3+3-48

Satisfactory.

It is interesting to note Mr. Anthony Brooke's commendations (2nd. para. to (30))

G.C.W.

1/4.

~~On recd (or return)~~ may be
interested to see Mr. Anthony
Brooke's endorsement of the
new Branch arrangements - and
be, citing in the tail of his
article.

Grayson
1/4

Mr Ashton

File recd v. miss on
draft. 1/4 L.B.Whittaker 8/4

Cheer, thank you. Due by
KGP/SHR 9/4

32 G.G. Malaya — tel. 72 Sar 9-4-48
In G Whately.

For info. Pass to Mr. Patterson for
Gov.-Gen. to see? KG Ashton 15/4 18

Mr. Macdonald /
Saw with
interest
QD 24/4

MR. Patterson

MR. Macdonald will be interested to see

30 & 32

G.C.W.

15/4

33. Secy. Gen. S'pore — tel. G.G. 131 — 13-4-48

34. Secy. Genl — tel 293 — 15-4-48

(34) takes care of (33)

Please look through the file to see if any action
is required on our part in connection with the change
of High Comm. e.g. date of publication of commission

G.C.W.

In G Whately. 17/4

It seems to me that Cl. II of the
Commission at (26) places the initiative
in the hands of the Gov. Sarawak; (27)
confirms this. (33) & (34) also treat the
date of implementation as a matter for local
arrangement. KG Ashton 17/4

35. Secy. Gen. S'pore — tel. G.G. 139 — 16-4-48

36. Sarawak — tel. 177 — 20-4-48

Mr. Williams.

Mr. Malcolm Macdonald has replied to
(35). I do not think any reply or other
action is required for (36). Infr. Dept.
has already asked me what it means,
and I said that it is simply the
implementation of the changes
described at (17) and already published.

KG Ashton 26/4

I agree
Publicly at 27.4
P.W.S.

19

37. Sec. Gen. Tel 322

26. 4. 48.

38. Acting G.G. Saw. 32.

18. 2. 48.

See G. Whibley

No further action is required on (37).

(38) has also been travelling round on the ~~Attorneys~~ "Courts of Appeals" file, which has not been home to the registry for a long while and has not been come to me since (38) arrived.

I have spoken by phone to Mr. Roberts-Wray, who thinks that we ought to see the draft enactment. I - submit a draft tele. opposite. KGP/Bar 1/5

3/5

39. Sec. Gen. S.E.A.

Tel No. 2.

40

High Commissioner, Brunei.

3/5/48

41. Brunei Unnumbered Tel

1.5. 48.

Per Mr. Whibley.
 Should be removed?
 Duplicate was received from
 (38) for copy's. Put key
 Vide P.A. 9/3/48
 1/6/48

KGP/Bar 3/5

42. H.C. Brunei Tel 1.

1.5. 48.

See G. Whibley.

Mr. Roberts-Wray.

(42). For info. KGP/Bar 10/5.

Apparently we were too late
 with our (39).

G.C. Whitcher
 10/5.

It is not clear to me that the 20
more fair but introduction of the Bill
has been sufficient means that it is
too late for us to do a draft.
However, I don't want to press the
point. The scheme seems to cut
across our plans for a Council of
Affairs for the three territories & I
it may be only a temporary measure
if those plans materialise. I should
like to see the amendment when it is
received.

A

A.G.W. 11/5/48.

P.K.I.V. A above.

10/9

Put by G.C.W.
11/5 at once.

ABD

43. Sarawak Sos. 130.

19.5.48.

Sir G. Whiteley.

(43) for info. Mr. Mackenzie should
also see, in view of the enquiry mentioned in
my minute of 26/4? K.G. Ashton 2/6.

Yrs.
G.C.W.
2/6

11/5/48.

Copy of (43), without enclosures to P.F. of
Mr. Davis.

copy sent
3/6.

Done 8/5/48

✓ *ABD*

Mr Ashton

21

File B fed v. minis 11/5.
? Action
L.B. Whittaker 10/9.

H.531.

The Order in question has certainly been enacted, but I have not seen a copy. Please check that none has been received.

When Order is received, please B.U. this file with it to me.

Prob.

K.G. Ashton 10/9

The enactment is registered on 59709/13/48.
Copy attached herewith for reference.

Subhead
11/9

Mr. Roberts-Wray

In your min. of 11/5 you asked to see a copy of the new enactment governing Appeals from Brunei. The relevant file, 59709/13/48 & the bound volume of Laws are attached.

K.G. Ashton 16/9.

Sir S. Abrahams

I shall be grateful if you will consider this when you have time.

D.K.W. 21/9.

M. Roberts-Wray

This Enactment affects two very important changes. It does away with the original & appellate jurisdiction of the High Court of Singapore & with the appellate jurisdiction of the Court of Criminal Appeal of Singapore in Brunei cases.

It leaves the Court of the Resident Commissioner
as the highest Court of ^{criminal} jurisdiction in the
State & constitutes the C.J Sarawak as Judge
of Appeal from the Resident in his original
& appellate jurisdiction.

S. S. Abrahams
22/10/48

Sir S. Abrahams.

I have not time to study this, but I understand
that previously the law provided for:-

1. unlimited criminal jurisdiction for the Court
of a resident;
2. jurisdiction in capital cases for the
Supreme Court in the Straits Settlements;
3. an appeal from either ^{or} the Supreme Court or
the Court of Appeal of the Straits
Settlements, according to the nature of
the offence;

Enacted and that this ^{abolishes} _{an appeal to} 2 above substituting ^{the} the
Supreme Court of Sarawak for 3.

The first of these amendments appears to me to be a retrograde step in that it removes the possibility of a trial for murder before a legally qualified judge. Further, convicted persons are now deprived of their appeal to a properly constituted Appeal Tribunal.

I should see much advantage in substituting the Supreme Court of Sarawak for the Supreme Court of the Straits Settlements with facilities for appeal to Singapore. I see that in the minutes of the Conference of Governors held on the 5th and 6th November the Secretary-General said that he did not consider it would be fair to require litigants to take their appeals to Singapore. That may be so. I have no knowledge of the practical difficulties but he did not appear to be referring to criminal cases. The Courts of the Straits Settlements were brought into the picture before the war and, prima facie, there is no particular reason why the Courts of Singapore should not be used now. Perhaps in practice, however, cases were never taken to the Straits Settlements and in any event this ties up with the whole question of proper appeal facilities which is under discussion on other papers. I suppose, therefore, we had better leave the matter for the time being.

If I have misunderstood the position I should be grateful if you would let me know, otherwise please send this file on to the Department.

Await replies
to the Appeals
despatch.

G.C.H.
22/10.

this is the position
now. S.S. Abrahams 2/10/48.

R.J.K.

7th October, 1948.

~~All tracked down and sent typed~~
6659 log/3/48 in General
Whately has seen minutes overleaf. Pmt 67. 23
R. G. Ashton
17/11.

180

Acknowledgement of Courts (Amendment)
Enactment 1948 on 59709/15/48 will
be made when Appeal Courts policy for
SE Asia has been decided. Pmt by. K. G. Ashton
20/11

EXTRACT FROM MINUTES ON 59709/16/46

Mr. McPetrie

Any legal observations, please?

Sgd. K. G. ASHTON
15/11.

Mr. Ashton

To obviate the necessity of a detailed examination in this office of all colonial legislation, every colonial enactment is required to be accompanied by a legal report drawn up in accordance with the provisions of Colonial Regulation 153(2). The reason for this is fully explained in a circular despatch of 8th December, 1939.

Colonial Regulation 153 does not apply to Brunei enactments and since His Majesty has no power to disallow Brunei legislation it has not hitherto been the practice to submit legal reports with Brunei enactments. At the same time we do under treaty arrangements have a power of advice in Brunei which could be exercised in respect of any provision of Brunei legislation which seemed to us objectionable. From this it follows that Brunei enactments require the same scrutiny in this Office as is given to ordinary colonial enactments and for this purpose I think that the High Commissioner should be asked to submit with each Brunei enactment the same sort of report as is required by Colonial Regulation 153(2) and he had better start by letting us have such a report on Enactment No. 8 of 1948 which is a fairly long and important bit of legislation.

I attach a photostat copy of the circular despatch of 8th December, 1939 which can be sent to the High Commissioner in case he has none available.

3

Sgd. J. C. McPETRIE
20/11

KC

Sir Gerald Whittlesey.

24

I agree with Mr. McPatrick and submit accordingly a draft despatch.

I assume that there is no constitutional objection to asking a technically independent State to adopt this colonial practice. Mr. Roberts-Wray should see?

~~I have indicated~~ We have to remember that there is still only one law officer in Sarawak, to serve both Sarawak and Brunei, and that the High Commissioner may therefore reasonably ask for the new practice to be postponed at least until an Assistant Attorney-General has been appointed. Hence the invitation to comment, given in para. 4 of the draft.

KGWhb
30/11

Mr. Roberts Wray

I put up an alternative draft following Mr. McPatrick's minute.

The supplementary agreement of 1905 + 1906 containing the "power of advice" is flagged in the Annual Report for 1946 enclosed.

There is point in MR. Ashton's final paragraph. The Governor will no doubt tell us if he has any objections to raise on that score.

G.C. Whittlesey

30/11

28

SIR G. WHITELEY .

I have amended the draft. I agree generally with Mr. McPetrie, but I doubt whether the Brunei enactments require quite such careful scrutiny as is given to Colonial Ordinances. At the same time it is only reasonable that the draftsman of Brunei enactments should be expected to provide us with some sort of report. He must know what every enactment is intended to do, and it should not involve very much work to him to prepare a note as he goes along. For this reason, I suggest that the despatch need not emphasise too much the Governor's right, which must of course be conceded, to object.

A small point on your first paragraph is that Brunei enactments are not expressly sent to the Secretary of State for his observations, or even for his information.

See Sanganan n 58709/16/48

13/12/48.

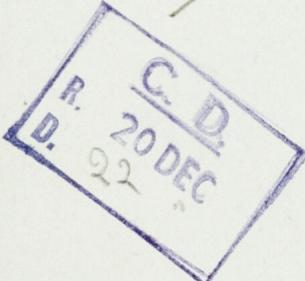
py 17/12/48 44 to Brunei-Dsp. N. 75 W/C of desp. of 8.12.1939 — Cons. 17.12.48
H.W. ✓

CD 431
1 Copy of 44 Please

AD 18/12
453

to Gerald Whiteley

We hear quite a lot about the political and ~~social~~ developments which are taking place in Sarawak, despite the lasting shortages of staff and materials. Of Brunei, however, we hear very little, though we know that heavy damage was done ~~there~~ in the war and that the oil industry at least has recovered remarkably well. I am inclined to think that Brunei is like Cinderella of the Borneo territories and that Sir Chas. Arden Clarke may not yet have got into the habit of thinking in ~~of~~ his dual capacity as Governor of Sarawak and High Commissioner for Brunei. The draft opposite is therefore intended to draw out his ideas on a



A

B

policy for Brunei, particularly in the 26
constitutional and local government
field, which is possibly the least affected
by ~~the~~ shortages of staff and materials.

K. P. Ashton
24/12

I think the 1948 Estimates indicate that
a considerable amount of attention is being given
to rehabilitation ~~the~~ generally & to development
& improvement of Agriculture & Medical & Education
services. With a population of 40-50,000 only,
the State in 1948 budgets for revenue of
£ 5,259,650 & after meeting recurrent expenditure
of £ 1,439,505 is able to provide £ 1,170,605
for Special Exps. & £ 2,131,250 for P.W. Expy.
with a balance on the year's working of £ 518,290.
In this respect therefore I do not feel able to
share the view at A.

I agree however that B is important & I am
grateful to you for raising it. I think
perhaps it would be more appropriate to
discuss, ^{in the first place} with the Governor when he comes
on leave in Feb. than to write on the subject.
Mr. Higham, to whom I have mentioned the
matter, agrees. B.U. mid Feb.

G.C.W.
29/12.

R

K. P. Ashton
31/12

Action taken
KGA
31/5.

When reply is received to (44), action
is required on Enactments nos. 8. (59709/16/48)
and 11 (59709/19/48). 27

KG Ashton
18/2

The subjects raised in mins.
of 24/12 and 29/12 overleaf have
been mentioned to the Governor.

- A. The Governor agrees with Sir
Gerald Whittlesey that Brunei has
enough money for development purposes.
B. On constitutional and local govt.
matters he said that nothing
much could be done until the M.C.S.
officers in Brunei had been replaced
by Sarawak officers.

Put by.

KG Ashton
23/2



8

Mr Ashton

No reply to 44.

DD flood 17/3

as the Attorney-Gen. of Sarawak
still has no assistant and as the
subject of (44) is not urgent, we
will wait a little longer.

B.M. Pmt.

KG Ashton
17/3

Am

8

Scil no reply re (44)

Philip
19/4

28

Please remind.

Koffman
19/4

27/5 **45** To Brunei Sav. No. 30 — Cens — 27-4-48.

X

✓

The practice recommended in (44) has now evidently been adopted, e.g., at (3) on 59709/46/48. Therefore we need no longer ask for a reply to (44).

Put by.

Koffman
31/5.

✓

X

231

copy of 17

6/3/48

59706/48

29
45

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of

BRUNEI

Date 27 April, 1949.

No. 30 Saving.

My despatch No. 25 of 17th December, 1948.

Grateful for early reply.

SECER.

C.O.

~~TELEGRAM~~

Draft

L.S.D.
* SAVINGRAM

* The word Priority may be entered here, if necessary.

30
File No.

59706/48

Sent.

45

hours.

To :— HIGH COMMISSIONER
BRUNEI.

Repeated to :—

Mr. Al Donald. 294.

Mr. Whittlesey. 287

encl

Mr. _____

Sir _____

Perint. U.S. of S.

Parly. U.S. of S.

S. of S.

C. D.
R. 21 APR
D. 21

27-4-1948

Priority :—

Nil.

Reply urgently required.

Important.

Immediate.

Most Immediate.

For transmission :—

In Clear

Code

Cypher

No. 30

Restricted.
Confidential.
Secret.
Top Secret
and Personal.

(44) ~~Re~~ my despatch No 25 of 17th Dec 1948

Grateful for early reply ~~to me~~.

RE
Secr.

Distribution :—

Further action :—

31

O.

Mr.

Astor 24/12

Mr.

G. Whitley

Mr.

Mr.

Mr.

Permt. U.S. of S.

Parly. U.S. S.

Minister of State

Secretary of State

Your Reference.....

Dec. 48.

DRAFT.

letter.

to Chas N. Arden Clarke,
KCMG.

Not sent

Now the affairs of Brunei have been under your direction for nearly eight months; we are wondering whether you have had time to review the political and social problems of that State and to work out the ~~as~~ to prepare the broad outlines of ~~a~~ policy for dealing with them.

FURTHER ACTION.

Create 'Brunei - Development' file, and with a copy of this

We shall be very glad to have in due course your views, first, whether advances in local govt., comparable

to those now beginning in Sarawak,
will be practicable in Brunei,
and, secondly, what can be done in the near future
with or without C. D. & W. assistance,
to improve social conditions in Brunei.

In this latter connection, it is of
course recognised that staff
shortages inevitably restrict the scope
for action, but no doubt you ~~are~~ have
arranged that, in proportion to its
needs, Brunei shall share with
Sarawak the services of the available
~~and~~ several ~~several~~ staff officers.

44

33

50706/48

BRUNEI

NO. 25

THE COLONIAL OFFICE,

THE CHURCH HOUSE,

GREAT SMITH STREET,

S.W.1.

17 December, 1948

Sir,

I have the honour to address you with reference to the furnishing of explanatory reports with enactments of the state of Brunei.

2. In the case of Colonial legislation, as you are aware, Colonial Regulation 153 requires that every Colonial enactment should be accompanied by a legal report drawn up in accordance with the provisions prescribed therein. The purpose of the regulation is briefly to obviate the unnecessary duplication in this office of work involved in the detailed examination of Colonial legislation, and is more fully discussed and explained in Mr. MacDonald's despatch of the 8th December, 1939, of which a copy is enclosed for ease of reference.

3. It has not hitherto been the practice to submit legal reports of this kind with Brunei Enactments, the reasons no doubt being that Colonial Regulation 153 does not apply to Brunei enactments and His Majesty has no power to disallow Brunei legislation. There is however, under the Supplementary Agreement of 1905 and 1906 a power of advice in Brunei which could of course be exercised in respect of any provision of Brunei legislation should the necessity arise. It is therefore necessary for Brunei enactments to be scrutinised in this office, and it would greatly facilitate this scrutiny if Brunei enactments could be accompanied by a legal report of the kind required by Colonial Regulation 153.

4. I shall be glad if you will consider this matter, and, subject to any observations you may have, if arrangements can be made for the submission of legal reports on Brunei enactments when they are forwarded to me. It would be convenient, if this arrangement could be initiated in respect of Brunei Enactment No. 8 of 1948 which is a long and important

piece

piece of legislation.

I have the honour to be,
Sir,
Your most obedient,
humble servant,

(sgd) A. Creech Jones

Alternative Draft

L.Y

44

7s

35

S. O.

Sir G Whitley 30/11

Mr. Roberts Wray 13/12

Sir G Whitley 14/12

Mr. _____ F.S.

Mr. _____ F.S.

Permt. U.S. of S.

Parly. U.S. S.

Minister of State

Secretary of State

No 25 17.XII.98

Your Reference

with reference to
the furnishing of
explanatory reports
with

DRAFT.

Sir

Despatch
to~~Govt~~

High Commissioner

for Brunei

Kuching

Sarawak

I h.t.l. to address you on the subject of
the submission ~~for my observations~~ of
enactments made in the State of Brunei.

2 In the case of Colonial legislation,
as you are aware, it is considered Col.
Reg. 153 requires that every Colonial
enactment should be accompanied by
a legal report drawn up in accordance
with the provisions prescribed therein.

The purpose of this regulation is ^{briely} to obviate
unnecessary ^{work involved in the} duplication in this office of detailed

examination of Colonial legislation, & is
more fully discussed & explained in
MR. MacDonald's despatch of the 8th

Dec. 1939, of which a copy is enclosed
for ease of reference.

3. Colonial Regulation 153 does not ~~of~~
~~course~~ apply to Brunei enactments
& since His Majesty has no power to
disallow Brunei legislation. It has

FURTHER ACTION.

copy behind draft.

A —
Take in below

not hitherto been the practice to submit legal reports along with such enactments. There is however, under the ^{Supplementary Agreement of 1905 & 1906} ~~Treaty arrangements~~ a power of advice in Brunei which ^{of course} ~~advised~~ could be exercised in respect of any provision of Brunei legislation which should then necessarily agree ^{it is therefore necessary for} ~~seem~~ ~~objectionable~~. It ~~accordingly~~ follows that Brunei legislation enactments require to be scrutinised ~~in England~~ ^{and it} the same scrutiny in this office, ~~as is~~ given to ordinary Colonial enactments, which would greatly facilitate this scrutiny if ^{Brunei} the enactments could be accompanied by a legal report of the kind required by Colonial ~~Legislation~~ Regulation 153.

4. I shall be glad if you will consider this matter, & subject to any observations you may have, if arrangements can be made for the submission of legal reports ~~with~~ on Brunei enactments when they ~~are~~ that are forwarded for my observations to me. It would be convenient, if this should be no objection, if this arrangement could be initiated in respect of Brunei Enactment no. 8 of 1948 which is a very important piece of legislation.

C.O.

Mr. *Chilton*^{29/}
 Mr. *G. Whitley*
 Mr. *Robert Wray*
 Mr.
 Mr.

Permt. U.S. of S.
 Parly. U.S. S.
 Minister of State
 Secretary of State

— Nov. 1948

Your Reference.....

DRAFT. Despatch no. —

High Commissioners
for Brunei.

Sir,

I have, etc, to address you on the subject of the submission for my observations of enactments made in the State of Brunei.

2. The existing practice is that you send me copies of each enactment with a formal covering note and without any legal report. For lack of such reports my legal advisers find it difficult to scrutinise the enactments of Brunei as critically as they scrutinise the

FURTHER ACTION.

Copy to 59709/16/48.

ordinances of the Colonies, and
I am unable properly to
discharge my responsibility ?
advising H. H. the Sultan on
these elements of his administration.

38

3. I propose therefore, subject
to your observations, to ask you
to submit in future with every
Brunei enactment a legal report
similar to those which are submitted,
in accordance with Colonial
Regulation no. 153, by the Dependencies
to which Ct. Regs. apply. I enclose
for your information a copy of Mr.
Malcolm Mac Donald's circular despatch
of 8th December, 1939, in which
the objects of Ct. Reg. no. 153 are
fully explained.

*(behind
the original)*

4. Unless you wish first to make
any observations, I shall be
grateful if you can adopt the
new practice without delay
and apply it, inter alia, to Enactment
no. 8 of 1948, copies of which have
already been received under cover of
your saving. no. 328.

(D) m
59709/16/48

I have, etc.

SAVING.

From the Governor of Sarawak.
To the Secretary of State for the Colonies.

Date..... 18th May 1948

No. 130 Saving.



41.

Further to my telegram of May 1st from Brunei announcing my assumption of the duties of High Commissioner for that State, I enclose a copy of the programme of official and social functions that took place during my visit and the texts of speeches made by the Sultan and myself. His Highness delivered his speech in Malay and himself provided the English translation.

2. The change appears to have been received with genuine good will. Throughout my visit there was no sign of any opposition or reluctance to accept it. I regard this as a tribute to the good preparatory work done by the British Resident, Mr. Davis, and the representatives of the Sultan in explaining the reasons for and implications of the change to all the people of the State when the announcement was first made.

RJZ

PROGRAMME OR VISIT OF HIS EXCELLENCY THE HIGH COMMISSIONER
FOR BRUNEI

40

April	30th	Arrive Kuala Belait from Miri by Road (met by British Resident and Assistant Resident on west side of Kuala Belait river).	0945 hours
		Visit Kuala Belait Town and tour the oilfields.	
		Depart Kuala Belait by "La Follette".	1800 "
		British Resident proceeds Brunei overland.	
May	1st	"La Follette" arrives Brunei.	0700 "
		"La Follette" proceeds Customs Wharf.	0855 "
		His Highness and British Resident go on board "La Follette".	0900 "
		Members of State Council and leading community representatives assemble at Council Chamber.	0910 "
		His Highness leaves "La Follette" and proceeds to Council Chamber.	0915 "
		His Excellency lands and is received by Guard of Honour.	0920 "
		His Excellency arrives Council Chamber.	0930 "
		British Resident reads the Royal Commission.	
		His Highness reads message of welcome.	
		His Excellency replies.	
		Proceed to Residency.	1015 "
		Visit Malay and Chinese schools.	1100 "
		Visit Hospital.	1430 "
		Talks with certain departmental officers.)	1600 to
		Consultations.	1800 "
		State Banquet.	2000 "
		Lighting in River Kampong.	
May	2nd	Presentation of 2 Cards of Commendation.	0800 "
		Visit Agricultural Station Kilanas and Kuala Abang if time permits.	0930 "
		Call on His Highness.	1230 "
		Lunch Party for His Highness.	1315 "
		Visit Silversmiths and Straw-workers.	1500 "
		All-community tea party in honour of High Commissioner.	1630 "
		High Commissioner's Pahit Party at the Residency.	1900 "
		Ronggeng in front of the Government Offices.	2000 "
May	3rd	Perahu Hormat assemble near Customs Station Sungei Lampai.	0800 "
		"La Follette" and "Sri Brunei" depart Brunei.	0830 "
		Arrive Bangar (Temburong District)	1200 "
		"La Follette" leaves Bangar for Sibu.	PM
		"Sri Brunei" leaves Bangar for Brunei.	

Office of His Highness the Sultan
Brunei, 1st May, 1948.

Your Excellency Sir Charles Arden Clarke,
K.C.M.G., Governor of the British Colony of
Sarawak and the High Commissioner for the
State of Brunei, Darul-Sallam, the Honourable
the British Resident, Wzier Wazier, Mentri
Mentri, Members of the State Council, Heads
of Departments of the Government Service,
Pengiran Pengiran, Towkay Towkay, Ladies and
Gentlemen present here at this ceremony -

I, Ahmad Tajuddin, Sultan and the
Yang Di-Pertuan of the State of Brunei,
Darul-Sallam, on behalf of myself, my
people and all the inhabitants of this
State, wish to express my very happy
feelings and my thankfulness to the
Almighty God that I am today given the
appropriate opportunity to express in
few words of welcome to His Excellency
Sir Charles Arden Clarke, K.C.M.G., to
this State.

(Contd. page 2)

At Istana Alkahu Fiddunia,
Brunei, Darul-Sallam,
This 1st May, 1948.

Today, in fact, is a day of sparkling brightness to this State and a day of great rejoicings to the people. I say so because we are today blessed with a fortune to welcome such a great man in the person of Sir Charles Arden Clarke, K.C.M.G., who had come here to be our High Commissioner, an Officer and Knight of distinctive abilities and of a high-ranking position to be the Representative of His Majesty the King in our State.

I, together with my subjects, and all the inhabitants of this State entertain very high hopes and full confidence that during your tenure of Your Excellency's service in this State as our High Commissioner, Your Excellency will endeavour to do the best you can with a heart of sincerity to bring about with every success, advancement, progress and prosperity to this State and to my people, particularly on education by which it is hoped my people shall be able to achieve their long cherished desire.

Today is a day of great historical event in the State of Brunei, and an occasion which we shall forever remember. I and all the inhabitants of this country raise our hands in prayer to the Almighty God that Your Excellency be spared long enough to remain as our High Commissioner so that we might be able to witness the distinctive progress which will bring more wealth and riches to this State, and which we all hope for.

I thus conclude my speech this morning and I thank you all for listening.

Speech by His Excellency the Governor
of Sarawak.

Your Highness, Members of the State
Council, Gentlemen -

I am most grateful to Your Highness for your speech of welcome on behalf of the inhabitants of the State of Brunei. The warmth of this welcome has been shown to me not only by Your Highness' kind words but by the reception which I have received in the streets of Brunei on my way from the wharf to this Council Chamber. As you know, this is not the first time that I have had the good fortune to visit your State, and such is the friendliness of the people of Brunei that I do not feel a stranger among you.

His Excellency Mr. Malcolm Mac Donald has today assumed office as Commissioner-General. He now combines the duties formerly attached to the posts of the Governor-General and the Special Commissioner. In this capacity his relationship to Brunei is the same as his relationship to the Federation of Malaya and the Colonies of Singapore, Sarawak and North Borneo.

(Contd. next page)

His interest in and contact with Brunei will be maintained, and I trust that he will continue to visit both Brunei and Sarawak as he did in the past, as often as the onerous duties of his new post permit. He has sent you a message which I shall now read to you -

I would have liked to be present in Brunei today when the Representative of His Majesty the King in Sarawak assumes the duty of High Commissioner for the State of Brunei. Unfortunately I only reached Singapore on a journey from England on the same date and so cannot come to Brunei. I wish to assure Your Highness and the population of Brunei of my continued close interest in the welfare of the State and of all its people and of my confidence in their progress under the new administrative arrangement for the office of High Commissioner. The new facilities which will become available to Brunei by these arrangements will help greatly to promote the welfare and prosperity of its citizens. I look forward to seeing Your Highness and my other friends on my next visit to your beautiful country and in the meantime I send my warm regards and best wishes to Your Highness and all people of Brunei.

You have just listened to the reading of the Commission by virtue of which I assume the office of High Commissioner for Brunei today. This is a simple administrative change and has no political implications of any kind. It was first announced on March 3rd, after having been approved by Your Highness and this State Council. The meaning of the change has already been explained throughout the State by the British Resident with the aid of the two Ministers and Your Highness' Representative.

I know that some fears were at first felt that Brunei was to be in some way "under" Sarawak and that it would lose its independent position as a Protected State. I should like to assure you afresh that such fears are groundless. There is no question of Brunei coming under Sarawak or Sarawak coming under Brunei, or the interests of one being sacrificed to the interests of the other. There is no question of this at all. The administration of the two countries will remain separate. There is no change in the status of Brunei, which remains a Protected State with a High Commissioner. The State of Brunei will continue to have its own Sultan, its own Constitution, its own laws, its own budget, its own flag, and its own stamps. It will not be asked to accept Sarawak Native Officers in the public Service or to use Sarawak currency.

Although they are separate and distinct political units, Brunei and Sarawak are tied together by geographical position and by long historical association; they have many problems and interests, economic and social, in common. When before the war the High Commissioner for Brunei was the High Commissioner and Governor living in Singapore it was impossible for him to visit

and administrative

Brunei as frequently as he would have wished. Now that your High Commissioner lives in Borneo in a Colony adjacent to your State, it will be possible for him to visit your State more frequently and give your affairs the personal study and attention on the spot which they demand. Similarly the Heads of certain technical departments in Sarawak, who now become the technical advisers of the Sultan, will also be able to visit Brunei more frequently to study its problems and assist with their advice towards the improvement of education and other services, whenever Your Highness and the British Resident feel in need of their help. The knowledge and experience gained in solving the problems of one will be used for the benefit of the other.

One of the subjects in which I hope that progress will be made is Education. I know that a wish for English education in Brunei lies very near Your Highness' heart and that Your Highness' subjects are also keenly interested in the matter. I should like to assure you that it is our intention that State Controlled English Schools shall be set up in Brunei as early as possible in order to enable Your Highness' subjects to fill as many as possible of the posts in Brunei, whether in Government Service or outside, which require English education.

Much has been done to make good the devastation and deficiencies left by the war and the years of enemy occupation, but the chief impediment to further progress in this sphere as in so many others, is the lack of trained staff. It has been decided to recruit a European Educational Officer for Brunei who will be able to devote all his energies to improving the existing schools and at the same time plan and supervise the institution of English education in the State. The Secretary of State is aware of the urgent necessity for the appointment and I trust that a candidate will be selected very soon. Trained teachers are also urgently required. In the past Brunei has looked to the Federation of Malaya for assistance in the training of some of its teachers. There need be no fear that this assistance will be withdrawn. The Federation Government are reserving and will continue to reserve a quota of admissions for Brunei to the Sultan Idris Training College at Tajuong Malim. Here perhaps Sarawak, which is wrestling with a similar problem, will be able to provide further help to supplement that already given by Malaya, if Your Highness and the Council so desire, by reserving a quota of admissions for Brunei student teachers to the new Teacher Training Centre about to be opened at Batu Lintang near Kuching.

Brunei already makes use of the Leper Settlement and Mental Asylum established in Sarawak. It is possible that by agreement and co-operation improvements in these services can be effected to the mutual benefit of the two countries. In Brunei itself large scale improvements in the Health Services of the State

- 4 -

hospital and the establishment of have been planned, among others the erection of a new/travelling dispensaries along the principal roads and rivers. The desire of Your Highness and of Your Council to increase the prosperity and improve the standard of living and well-being of your people is manifest. You may rest assured that as Your High Commissioner I shall do all I can to help you achieve such aims.

In conclusion, I ask Your Highness, you members of the State Council, and all the people of Brunei to remember that, so far as you are concerned, I am not Governor of a neighbouring Colony but your own High Commissioner, and that it is my duty and responsibility to safeguard the interests and welfare of Brunei and its inhabitants and to provide for its future development and progress. This duty I shall do my utmost to discharge faithfully and impartially, not only when I am visiting Brunei but also when I am in Sarawak, where I shall be equally mindful of it.

47

42

INWARD TELEGRAM**TO THE SECRETARY OF STATE FOR THE COLONIES**

Code

COPY FOR REGISTRATION**FROM HIGH COMMISSIONER FOR BRUNEI.**

IN

REGISTRY

D. 7th May, 1948.

R. 7th " " 09.55 hrs.

No. 1.

40.

Your telegram No. 1.

Appeals from Brunei.

Introduction of emending enactment before
Brunei State Council already authorized by the
Governor General.

2. It is not (repeat not) the intention that
appeals shall be heard in Sarawak. Enactment
provides for appeals to be heard in Brunei by
Chief Justice of Sarawak.

INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

Copy on P.F.

Arden-Clarke.

En Clair

48
41
3 MAY 1948
COPY FOR DEPARTMENT
RECEIVED IN
SECTION

FROM BRUNEI (Sir C. Arden Clarke)

D. 1st May, 1948.

R. 1st " " 08.00 hrs.

Not Numbered.

I have today assumed the duties of
High Commissioner for the State of Brunei.
Arden Clarke.

49
39/fo.

OUTWARD TELEGRAM

FROM THE SECRETARY OF STATE FOR THE COLONIES

59706/48

Code

TO COMMISSIONER-GENERAL, SOUTH EAST ASIA.

Sent 3rd May, 1948. 12.30 hrs.

No. 2

Addressed Commissioner-General, S.E. Asia.
Repeated High Commissioner, Brunei, No. 1.

Your saying No. 32.

Appeals from Brunei.

I regret, that, owing to an oversight, my reply has been so long delayed.

2. If it is not too late, I would like to see the draft enactment, providing for appeals from Brunei to be heard in Sarawak, before it is placed before the State Council.

50 59706/48

39 / 40

C. O.

Mr. Ashton 1/5

Mr. G. Whiteley 1/5

Mr. Robert Gray 3/5 of am

Mr.

Mr.

Permit. U.S. of S.

Parly. U.S. S.

Secretary of State.

booked and sent
12.30 hrs see 3/5/48

commissioner general S.E. Asia

Your Reference

DRAFT.

book
Tele.

COLCOM

1) ~~Sarawak~~ Singapore

2) Gov. Sarawak
(ja Brunei).
HIGHCOMA KUCHING

Addressed (Gov. Gen. Singapore, No 2

Rptd. Singh ~~Gov. Sarawak~~ (ja Brunei) No. 1
Commissioner Brunei

(38)

Law saving no. -32.

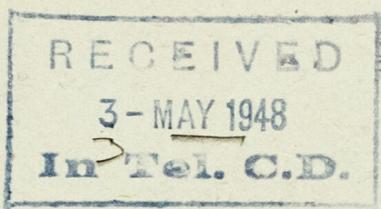
Appeals from Brunei

I regret that, owing to an oversight, my reply has been so long delayed.

2. If it is not too late, I would like to see the draft enactment providing for appeals from Brunei to be heard in SARAWAK before

FURTHER ACTION.

Copy to:
Borneo T. Courts/
Appeal files
with copy of (38).



it is placed before the State Council.

57

S2
38SAVING

From: AG. GOVERNOR-GENERAL, MALAYA.

To: SECRETARY OF STATE FOR THE COLONIES, LONDON.

(R) Governor, Sarawak,
(R) British Resident, Brunei.

Date: 18th February, 1948.

No. 32 Saving.

CONFIDENTIAL

ONE. With reference to Item 10 of the Minutes of
the Conference of Governors held in Jesselton on
5th-6th November, 1947, which were forwarded to the
Under Secretary of State in GG.No.34/S/245/47/III
of 6th December, 1947, the Chief Justice of Sarawak
has agreed that Appeals from Brunei shall be heard
by him.

10/5536207/1/107

5536447.

TWO. The Chief Justice of Sarawak has drafted
the necessary legislation, which is now under
consideration by the British Resident, Brunei. I
shall be grateful to know at the earliest whether
you wish to see the Draft Enactment before it is
placed before State Council.

AG. GOVGEN.

Jeh

59706/48

53

31

OUTWARD TELEGRAM

Code

TO SECRETARY-GENERAL, SINGAPORE.

FROM S. OF S., COLONIES.

Sent 26th April, 1948. 14.30 hrs.

No. 322

Following for Hone from MacDonald.

Your telegram G.G. No. 139.

I fully understand that arrangements cannot be postponed now.

Following is text of message which I should like sent. Begins.

I would have liked to be present in Brunei today, when the representative of His Majesty The King in Sarawak assumes the duties of the High Commissioner for the State of Brunei. Unfortunately I only reach Singapore on a journey from England on the same date, and so cannot come to Brunei. I wish to assure Your highness and the population of Brunei of my continued close interest in the welfare of the State and of all its people, and of my confidence in their progress under the new administrative arrangements for the Office of the High Commisioner. The new facilities which will become available to Brunei by these arrangements will help greatly to promote the welfare and prosperity of its citizens. I look forward to seeing Your Highness and my other friends on my next visit to your beautiful country, and in the meantime I send my warm regards and best wishes to Your Highness and all the peoples of Brunei. Ends.

59706/48 Collected and Sent
1430 26/4/48
S4 P/2/2

C. O.

Mr. Malcolm MacDonald MM 4.48.

24/

at once

5/2/

Permit. U.S. of S.

Mr.

Parly. U.S. S:

Mr.

Secretary of State:

Mr.

Your Reference

No. . . 322

Code
DRAFT. TELEGRAM

GOVERNOR-GENERAL'S OFFICE,
SINGAPORE.

Following for Hone from MacDonald.

Your telegram G.G. No. 139.

I fully understand that arrangements
cannot be postponed now.

Following is text of message which
I should like sent. Message Begins.

I would have liked to be present in
person in Brunei to-day, when the
representative of His Majesty the King
in Sarawak assumes the duties of the
High Commissioner for the State of Brunei.

Unfortunately I myself only reach
Singapore from England on the same date,
and so cannot be in Brunei. I wish to
assure Your Highness and the people of
Brunei of my continued close interest in
the welfare of the State and of its people,

and of my confidence in their progress
under which the new administrative arrangements
for the Office of the High Commissioner are

designed to assist. The new facilities
which will become available to the
Government of Brunei by these arrangements
will help greatly to promote the welfare and prosperity of
Brunei its citizens, the population. I look forward to seeing

Your Highness and my other friends in
to your beautiful country, Brunei on my next visit and in the

FURTHER ACTION.

Recd. to
Mr. Ashton

/meantime

I
meantime send my warm regards and
best wishes to Your Highness and all the
peoples of Brunei. Message ends.

55

INWARD TELEGRAM

56 36.

En Clair **COPY**

REGISTRATION

FROM SARAWAK (Sir C. Arden Clarke)

D. 20th April, 1948.

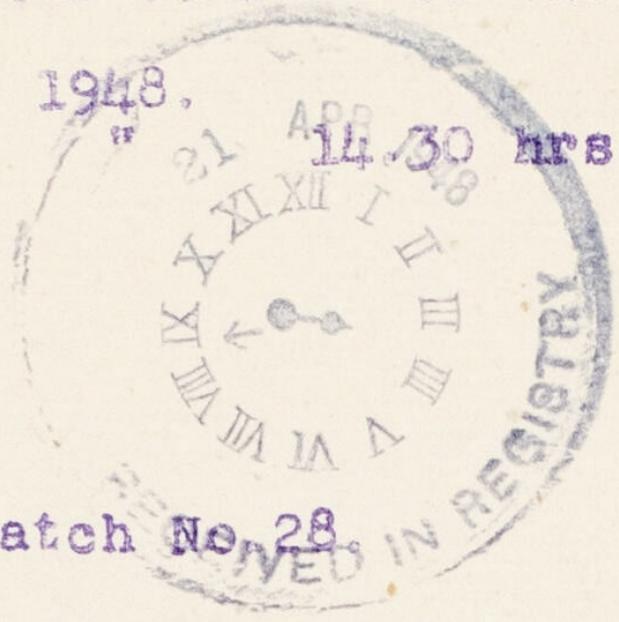
R. 20th "

No. 177

(27). Your despatch No. 28,

Brunei.

Commission will be published
in state of Brunei on 1st May.



57 35

COPY FOR REGISTRATION

INWARD TELEGRAM

Cypher (C.T.P.)

PROM SECRETARY-GENERAL, SINGAPORE

D. 16th April, 1948.

R. 16th " " 13.45 hrs.

G.G. No. 139 Secret

(33)
(34)

My telegram No. 131 and your telegram
No. 293.

Malcolm MacDonald.

Personal for Malcolm MacDonald from Hono. Begins.

Arrangements have gone too far to permit
postponement now.

2. Following is text of proposed message which
Arden Clarke suggests you might appropriately send. Begins.

On this day when the representative of H.M. the King
in Sarawak assumes the duties of the High Commissioner
for the State of Brunei, I wish to assure your
Highness and people of Brunei of my continued close interest
in their welfare and of my confidence in their
progress which the new administrative arrangements for
the Office of the High Commissioner are designed to assist.
I am sure that new facilities that will become available
to the Government of Brunei will help greatly to promote
the welfare and prosperity of his people. I send my warm
regards to your Highness and best wishes to all the peoples of
Brunei. Ends.

3. Subject to any amendments you may wish to make
message will be sent to Resident, Brunei, for delivery to
Arden Clarke at Belait on 30th April.



34
58

OUTWARD TELEGRAM

Code

TO SECRETARY-GENERAL, SINGAPORE

FROM S. OF S., COLONIES.

Sent 15th April, 1948. 19.00 hrs.

IMPORTANT
No. 293

Following for Rone from Governor-General.

Your telegram G.G. No. 131.

As you know I had hoped to return to Singapore before this, in which case I had planned to be in Brunei for Arden-Clarke's swearing in. Unfortunately postponement of my arrival in Singapore makes this impossible on May 1st. I had rather hoped that it might be practicable to postpone ceremony in Brunei for, say, a fortnight when I could attend. I fear, however, that I forgot to send you an earlier message about this. If arrangements have proceeded so far that it would be very inconvenient to postpone them, they should of course go ahead. If on the other hand it is equally convenient to Arden-Clarke and Brunei authorities to postpone for couple of weeks, I should greatly like to attend ceremony as Commissioner-General and retiring High Commissioner for Brunei. Please arrange whatever is most suitable to Arden-Clarke, the Sultan and our other friends in Brunei.

In my absence it would be good if you could attend. But I suppose this is really impossible if the ceremony is on the same day as my arrival in Singapore. In that case I think the Resident will have to represent me, unless Earl visited Brunei for the occasion. I am agreeable to whichever course is the better.

15 APR 1948

59

C. O.

Mr. Malcolm MacDonald M.M.4.48.

at once.

Mr.

Permit. U.S. of S.

Mr.

Parly. U.S. S.

Mr.

Secretary of State:

Mr.

Coded & sent

1900 hrs 15.4

MB

Your Reference.....

No. 293.

DRAFT. TELEGRAMGOVERNOR-GENERAL'S OFFICE,
SINGAPORE.

GOV GEN SINGAPORE

CODE

Important

Following for Hone from Governor-General

Your telegram G.G. No. 131.

As you know I had hoped to return to Singapore before this, in which case I had planned to be in Brunei for Arden-Clarke's swearing in. Unfortunately postponement of my arrival in Singapore makes this impossible. ^(on May 1st) I had rather hoped that it might be practicable to postpone ceremony in Brunei for, say, a fortnight when I could attend. I fear, however, that I forgot to send you an earlier message about this. If arrangements have proceeded so far that it would be

~~very~~ inconvenient to postpone them, they should of course go ahead. If on the other hand it is equally convenient to Arden-Clarke and Brunei authorities to postpone for couple of weeks, I should greatly like to attend ceremony as Commissioner-General and retiring High Commissioner for Brunei. Please arrange whatever is most suitable to Arden-Clarke, the Sultan and our other friends in Brunei.

FURTHER ACTION.

Copy to Mr. Morris

Copy to Mr. Patterson

Rm 540.

16/4/48

In my absence it would be good if you could attend. But I suppose this is

/really.

60

really impossible if the ceremony is on
the same day as my arrival in Singapore.
In that case I think the Resident will
have to represent me, unless Earl visited
Brunei for the occasion. I am agreeable to
whichever course is the better.

33
61

INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher (O.T.P.)

COPY FOR REGISTRATION

FROM SECRETARY-GENERAL, SINGAPORE

D. 13th April, 1948

R. 13th " " 13.45 hrs.

G.G. No.131 Secret.

Personal from Hone for Malcolm Macdonald. Begins

1. We have assumed that 1st May is firm date for assumption of duties of High Commissioner Brunei by Arden Clarke. He has arranged tour which will get him to Brunei on 1st May, where he will remain until 3rd May.

2. He has enquired whether you or I or both of us will be present at Brunei on 1st May to take part in programme which has been arranged. I have told him that I would ask you on arrival in London but said that for the moment he should assume that you will not (repeat not) be present as I expect you will be fully occupied in Singapore in taking over your new duties and in talks with Gimson and Gent, etc. Please confirm. Ends.

59706/48 32

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SAVING

FROM: AG. GOVERNOR GENERAL
TO: SECRETARY OF STATE
DATE: 9th April, 1948.
No: 72 **SAVING.**

CONFIDENTIAL



(39)

Reference my Saving No. 17 of 16th March.

The British Resident, Brunei was recently requested to report on any further reactions to the Administrative changes in Brunei. He has telegraphed as follows:-

"No sign of any opposition to Administrative changes from any Section of population, most of whom appear to have lost interest in the matter. Reaction by some is to wait to see how change works out. Resident."

2. A cutting of a letter to the Straits Times of 8th April which is of interest is forwarded.

AG. GOVGEN.

MAN-IN-THE-STREET

Strals Times
8/4/48

'Brunei Darusalam': A Malay Point Of View

I WAS extremely delighted and interested to read your recent editorial under the heading "A Bitter Pill for Brunei." As everybody knows, quinine is bitter, so it is on account of its bitterness that it is an effective remedy for the treatment of malaria. Consequently, Brunei by taking the bitter pill, if it is really a bitter one, has taken it for the good of the State and the people of Brunei.

Administratively, economically and geographically, the transference of the office of High Commissioner from Singapore to Kuching, Sarawak, is ideal.

Sarawak is now a British Colony and the Governor is appointed by H.M. the King in the same way as the Governor of the Colony of Singapore. Furthermore, he administers Brunei not in his capacity as Governor of Sarawak but as British High Commissioner representing His Britannic Majesty, and as long as Brunei remains an independent Sultanate under British protection, having its

own national flag, legislation, budget, etc., and the various important posts are still filled by experienced, impartial and sympathetic British European officers, there is no reason at all why the people of Brunei should worry or be unhappy about the changes.

When the proposed changes were announced publicly in Brunei Town and in the other outlying districts early in the month, there was no sign or expression of any opposition, disapproval, discontentment or anti.

I am entirely in agreement with Mr. Anthony Brooke and thank him for all that he has written on the subject in your paper. To add anything thereto would only be superfluous, *Tempora mutantur, et nos mutamur in illis.*

Regarding the publication of the British Resident's (Mr. W. J. Peel) report it is agreed that it was somewhat belated, but having regard to the volume of work which had to be done consequent upon the translation of administration from B.M.A. to Civil, changes in personnel, paucity of statistical records and data, etc., the delay was unavoidable and Mr. Peel should be congratulated for having been able to write such an excel-

lent report, *Mas vale tarde que nunca.*

You are correct, Mr. Editor, in saying that "the whole system of public services in the State is very backward and badly needs bringing up-to-date". and we therefore earnestly hope that with more revenue from oil and other sources coming in it is of paramount importance and extreme urgency that the Brunei Government should seriously consider without undue delay, first and foremost, the establishment of pukka Government English schools and the expansion and extension of medical and health services throughout the State.

It is, however, appreciated and this, in fact, is the argument always put forward, that there is at the moment a paucity of qualified teachers, professional and technical officers, as well as a dearth of materials and equipment; but, if the funds are available and the Government is genuinely prepared to spend and pay, these difficulties could certainly be surmounted with ease for *moneta vincit omnia.*

Long live the Sultanate under British protection and may Brunei Darulsalam ever prosper and regain all its splendour and glory as in the days of yore.

ANAK BRUNEL.

Colonial Office,
Church House,
Great Smith Street,
S.W.1.

25th March, 1948.

59706/48

Dear Christofas,

With reference to our telephone conversation of the 24th February, I enclose for your information a copy of the press announcement on the administrative changes in Brunei, as finally agreed and published.

Yours sincerely,

(G.C. Whiteley)

K.C. CHRISTOFAS, ESQ.

C. O.

Mr. Lamage 23/3

Mr. Sir G. Whitley 24/3

Mr.

Mr.

Mr.

f.s.

Permt. U.S. of S.

Parly. U.S. S.

Secretary of State.

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59706/48

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Your Reference for Sir G. Whitley's signature

DRAFT. letter

K.C. Christophus, Esq

Foreign Office

copy (17)

Dear Christophus,

With reference to our telephone

conversation of the 24th February,

I enclose for your information a

copy of the press ~~annoucement~~

announcement on the administrative

changes in Brunei, as finally agreed,
+ published.

yours sincerely,

FURTHER ACTION.

30
66SAVING

From: AG. GOVERNOR-GENERAL, MALAYA.

To: SECRETARY OF STATE FOR THE COLONIES, LONDON.

Date: 16th March, 1948.

No. 17 Saving.

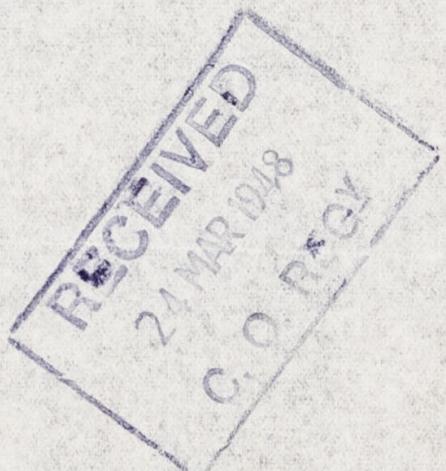
SECRET

Reference my Saving No.15 of 9th March. (29)

A detailed report of the British Resident's tour is forwarded herewith.

2. Also enclosed is cutting of a letter to the "Straits Times" on 13th March from Anthony Brooke.

AG. GOVGEN



TOUR OF BRUNEI TO ANNOUNCE FORTHCOMING
ADMINISTRATIVE CHANGE

1. Although it had been proposed that the Pengiran Bendahara should accompany me as the Sultan's representative, the Sultan suggested that it would be more appropriate for both principal Ministers to go on the tour and also asked that Che Hassan, his private secretary, should accompany us as his personal representative. I raised no objection to this suggestion as it is usual for the Ministers to act as a pair, and Hassan has his ear to the ground in many places in the State. A further departure from the procedure already agreed was the assembly of other local officials and individuals in addition to penghulus and ketuas kampong. As the day of announcement approached it became apparent that the rumours mentioned in paragraph 3 of the Governor General's Savingram No.5 of 10th January 1948 had become widespread and it seemed advisable to make the announcement and explanations in front of as many people as possible. Accordingly I instructed District Officers to call together, in addition to penghulus and ketuas kampong, such other members of the community as might in future form a District Council. These included members of the Sanitary Board in those districts where one exists, the hospital dresser, the officer in charge police district, the mosque official, the head teacher and the Capitan China and other leading Chinese representatives. I also said that all Government employees and any members of the public who care to attend would be welcome. It is felt that this broadening of the assembly at each centre was justified by results.
2. The form of procedure adopted at each place was for a simple Malay explanation of the change to be given by the British Resident followed by the reading of the announcement in Malay. Short supporting speeches were then made by the Bendahara, the Pemancha (the second principal Minister), and Che Hassan, and the opportunity was given for questions or discussion. I should like to record here the valuable help given by the Bendahara who is universally popular and respected. The Pemancha also did his best and his absence would have been the subject of unfavourable comment. Hassan conveyed the Sultan's personal message in a simple and straightforward manner, emphasizing that the Governor of Sarawak was to become High Commissioner and not Governor of Brunei.
3. It had been necessary to arrange these meetings a few days in advance in order to give time to those penghulus, who lived far from headquarters, to make the journey, and the Secretary of State's late approval of the date of announcement necessitated some last minute modification of the programme and involved a fruitless journey in one or two cases. This was unfortunate but no harm has been done. The following centres were visited, (i) Kuala Belait, (ii) Tutong, (iii) Brunei Town, (iv) Muara Village, (v) Temburong (Bangar).
4. Kuala Belait. About 90 people had assembled and received the announcement calmly and with attention. When questions and discussion were invited Chegu Marsal,

Superintendent....

Superintendent of Education, sprang to his feet. His most significant questions were - (1) Why cannot Brunei enter the Federation of Malaya and preserve the pre-war association? (2) Is this a titah (order) of the Sultan to the raayat? (3) Why was the raayat not consulted beforehand? After replies and further explanations, Marsal said that if it was the wish of the Sultan and the State Council the raayat would no doubt accept the decision. Marsal is disliked by most of the local inhabitants who remember his role in the Japanese Propaganda Department, and there was no sign that he made an impression on anyone present except the few pale faced gurus sitting behind him. The ketuas and penghulus expressed themselves as entirely satisfied and confirmed this after the meeting in private conversation with myself and also with the Ministers. I spoke to Marsal after the meeting and enlarged on the replies already given and the objections to his suggestions. I asked him if he was satisfied now that further explanations had been given and his misconceptions corrected. He replied that he was satisfied and when asked whether he would give the change the benefit of his support, he said that he would. I doubt, however, whether this is to be expected. One matter mentioned by him and also by other gurus to whom I spoke after the meetings elsewhere, was the fear that the change would mean that gurus would no longer go to the Tanjong Malim Training College. My reply was that I felt confident that Malaya would have no objection to continuing to allow our gurus to train at Tanjong Malim until an institution giving an equally high standard of training was set up in Borneo. Marsal is an earnest person and has always been politically minded. He was a prominent figure in the local youth movement before it petered out last year, and had been suspended from office by the B.M.A. on account of his activities in the Japanese Propaganda Department. I should also remark that he is an efficient officer and good organiser, and is invaluable in the Education Department at the present time.

5. Tutong. There was a very good audience of about 130 people who appeared to grasp the significance of the change and declared themselves quite satisfied. The local teacher did not raise his voice, but I took the opportunity of asking him afterwards what he thought of the change. He said he would have liked to see Brunei enter the Federation of Malaya. The Pehin Della Lena (who had written a disquieting letter to Mr. Pretty in December) lives in Tutong and attended the meeting. He told us he was very pleased with the result of the proceedings and saw no reason to expect any opposition now that rumours had been scotched and the simple truth revealed.

6. Brunei District. About 250 people were present in the Court House, including members of the State Council, the lesser Ministers, Pehins and Pengirans, Government servants and members of the public in addition to all the penghulus and ketuas. The addresses were very well received and the only significant questions were put by Head Teacher Jamli. (1) How is this going to benefit Brunei? This point had already been dealt with but was enlarged upon. (2) Is this gathering to confirm a

decision.....

decision or to hear a decision already arrived at? The answers given appeared to satisfy all present, and after a pause in which no further questions were put a Government pensioner Pengiran Yusuf, who was formerly in some doubt about the change and who has considerable influence, got up and said "This matter appears very simple and has been well explained; everyone seems to understand it and to be satisfied. There appears to be no need for further questions". The atmosphere at the meeting was good and we were well pleased with the results. It was the most important gathering of the five, and one at which opposition had been thought possible. It was known that two members of the State Council had received anonymous letters saying that it was not right that the ~~raayat~~ should not be consulted before Brunei became subject to Sarawak laws and lost its flag. The opportunity was taken at the meeting of dealing with this new fear.

7. Muara. About 60 people assembled in the school. The Pehin Seri Wangsa, the local territorial chief, who was a peon in the office of the first British Resident when the 1906 Treaty was signed, requested further confirmation that the change did not mean (1) that Brunei would be subject to Sarawak laws, (2) that Brunei finances would be controlled by Sarawak, (3) that Sarawak subordinate officers would be posted to Brunei, (4) that the Treaty would be affected, (5) that the Sultanate and Constitution would be prejudiced. On being specifically reassured on these points which had already been covered, he declared that he and the local people completely understood the significance of the change, and were entirely satisfied. The local school teacher enquired whether the meeting was to confirm the changes or merely to be informed of them, but had no other questions. The gathering was then provided with tea, which was enjoyed in a very cordial atmosphere.

8. Temburong (Bangar). The village was en fete for our visit with decorations on public buildings and Dyaks in full native costume. About 180 people crowded into the school to hear the announcement which was received without question. All declared themselves well satisfied with the change, and the assembly terminated in applause.

9. As already reported by telegram there is now no sight of opposition to the change, except possibly in the case of a few members of the younger generation who formerly supported the Barisan Pemuda Youth Association. These people look to the left wing in Malaya for their political opinions, swallow them undigested and are apparently unable to adapt them to present day conditions in Brunei. The necessity for this tour and for making personal contact with as many responsible members of the population as possible was amply demonstrated. It was often possible to ferret out new doubts which might never have come to the surface and have remained unexploded. An example of this was the anxiety noticed in one district lest Brunei should no longer use Currency Commissioner's notes on which the State Emblem appears, and that Sarawak Currency would be introduced. It is my own opinion

and.....

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and that of trusted Malay Advisors that all doubts have now been dispelled and that the overwhelming mass of the population is quite happy about the change. I should like to conclude with the opinion that had the change involved any closer association with Sarawak there would have been very real, though passive, opposition, not only from those of doctrinaire opinions, but also from the older and more responsible members of the community. This is partly due to the historic distrust of Sarawak, which still exists to some extent, and partly to the deep rooted conservatism of the inhabitants of this State in the mass.

SGD: L.H.N.DAVIS
9.3.48

EXTRACT FROM "STRAITS TIMES" SINGAPORE
DATED 13TH MARCH, 1948.

B R U N E I A N D S A R A W A K

Your editorial "A Bitter Pill for Brunei" contains an implied criticism of the new administrative changes which does not seem to be entirely merited.

You state: "This decision to put Brunei under Sarawak must have been a bitter pill for such of the people of that State as cherish their history and traditions...it cannot have been pleasant for His Highness Sultan Ahmed, the twenty-seventh of his line, to agree to the change which puts his government under the Governor in Kuching."

But surely Brunei according to the new arrangement is no more "under" Sarawak than Sarawak and the Malay States were "under" the Colony of Singapore in the days before the war?

HIGH COMMISSIONER

In pre-war times the Governor of the Straits Settlements exercised the additional function of High Commissioner for the independent Malay States and for Sarawak in an exactly analogous manner as the Governor of Sarawak now additionally assumes the role of High Commissioner for Brunei.

The Under Secretary of State for the Colonies has expressly reaffirmed the status of Brunei as an independent sovereign territory under His Majesty's protection.

It would therefore seem that Sultan Ahmed has every reason to feel proud of his success in reaching an agreement with His Majesty's Government whereby fresh facilities are to be extended to his territory, which is yet to retain its pre-war status in international law.

Sultan Ahmed and his subjects are especially to be congratulated upon their good fortune in avoiding the net of annexation which for many months after liberation from enemy aggression engirdled every other territory in Malaya and British-protected Borneo.

The Colonial Office are likewise to be commended for their wisdom and foresight in applying to their dealings with Brunei the lessons learnt from the failure of their earlier policy in Malaya.

Full legal sovereignty has since been restored to the Sultans in their respective States, and the policy reaffirming the independent sovereign status of Brunei is fundamentally consistent with the revised constitution for Malaya.

/UNDONE ELSEWHERE.....

UNDONE ELSEWHERE

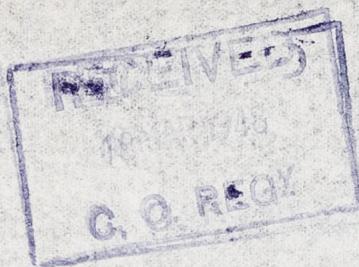
It is not therefore what the Colonial Office have done in Brunei that invites criticism, but what they have left undone elsewhere. A sincere attempt is being made to erase the memory of the Foreign Jurisdiction Act in Malaya: the legal independence of Brunei, bordered on one side by the sea and on the other three sides by Sarawak, has been reaffirmed.

This leaves Sarawak, approximately the size of the entire area of the Federation of Malaya, as the only pre-war monarchy in the Far East, not excepting Japan, which has lost its sovereignty and independence after a war which was to end imperialist aggrandisement.

ANTHONY BROOKE.

Singapore.

(Brunei is of course only "under Sarawak" only in the sense that it is under the Governor of Sarawak in his new capacity of High Commissioner for Brunei. But, considering that Sarawak was under Brunei when the Brooke regime began, the difference between^a High Commissioner in Kuching and in Singapore was perhaps not inappropriately described in the heading of our leading article. - Ed. S.T.)



29

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SAVING

From: AG. GOVERNOR-GENERAL, MALAYA.

To: THE SECRETARY OF STATE FOR THE COLONIES, LONDON.

Date: 9th March, 1948.

No. 15 Saving.

59406/48

SECRET

(23)

Reference your Secret telegram 217 of 2nd March. Following reactions to announcement have been received from British Resident, Brunei:

"Announcement was regarded with considerable suspicion until explained emphatically that it does not involve political or financial subjection to Sarawak or its laws or transfer here of Sarawak native officer. This and other explanations have been carefully given in 5 main centre states and I am satisfied that significance^{of} changes is now understood and that former objections and doubt based on rumours and misapprehensions have been dispelled. Only sign of opposition has come from isolated members^{now} dormant youth association notably school teachers, who have tried to suggest this announcement of fait accompli is undemocratic. They have negligible following and population as a whole has accepted forthcoming advantages willingly and wholeheartedly."

A detailed report of the British Resident's tour will follow.

2. Also enclosed is cutting of the leading article from the Straits Times of 9th March. This is the only comment which has appeared in the local press so far.

AG. GOVGEN.

Singapore, Tues., March 9, 1948

A BITTER PILL FOR BRUNEI

It is not often that the public in Malaya turns its eyes to the British territories in Borneo, and Brunei in particular is little more than a name over here. Before the war Brunei was lumped with Labuan, Christmas Island and the Cocos Islands as one of those odd bits of territory which were still governed from Singapore, but which nobody except the M.C.S. could be expected to know anything about. Yet Brunei, apart from its picturesque history and its famous river town (described in more than one book of travel as "The Venice of the East") deserves special attention as a Malay State in Borneo which must be grouped, not with the scattered bits of British territory mentioned above but with the Malay States in treaty relations with Britain. The same system of administration that was in force in the States of the Malay Peninsula before the war was followed in Brunei, and control was likewise exercised by the High Commissioner in Singapore. Last week it was announced that the Governor of Sarawak is to hold the office of High Commissioner for Brunei; and so was severed the link that has existed between Singapore and Brunei since 1906, when the Sultan first accepted a British Resident.

This decision to put Brunei under Sarawak must have been a bitter pill for such of the people of that State as cherish their history and traditions. In the sixteenth century, as readers were reminded in this page yesterday, Brunei was the most powerful state in Borneo and a great name throughout the Malay world. But what is more to the point today is that just over a century ago Brunei owned Sarawak. It was in 1841 that the Sultan of Brunei ceded a large slice of Sarawak to James Brooke, in return for his services in assisting the Brunei viceroy in Kuching, Raja Muda Hashim, to quell an insurrection. At various later dates the Sultan ceded more Brunei territory to the Brookes, and also to the Chartered Company of British North Borneo, as well as the island of Labuan to the Governor in Singapore as an anti-piracy base for the Navy; and thus Brunei was finally whittled down to the little state of 2,200 square miles, with a population of 48,000, that it is today.

Even though much has happened since the Sultans of Brunei ruled Sarawak, it cannot have been pleasant for His Highness Sultan Ahmed, the twenty-seventh of his line, to agree to the change which puts his government under the Governor in Kuching. But there were strong administrative reasons why this change should be made. The Governor-General is too busy to do what the High Commissioner in Singapore used to do for Brunei, and the Malayan Establishment Office has been finding it difficult to spare staff for Brunei. Since Brunei is too small to fend for itself, it seems best that it should draw

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ments of the neighbouring colony of Sarawak for the assistance that it badly needs. This arrangement is the more practicable in that there is now what there would not have been before the war—a right of appeal to the Governor-General in Singapore, whose relationship to Brunei will be the same as to Sarawak and North Borneo.

The latest source of reference for affairs in Brunei is one that will strike our readers as being surprisingly out of date, namely the report of the British Resident, Mr. W. J. Peel, for 1946. But as that printed report was only received by the Straits Times a few days ago, it may be doubted whether anything more up-to-date is available. It may also be doubted whether most of the social and economic problems on which Mr. Peel comments are any less serious in 1948 than they were when his report was written. "In the padi-growing areas malaria is the rule rather than the exception." "Hookworm infestation is common." "Tuberculosis is prevalent among all races." "There is no Government school teaching English in the State, although there are private and mission schools which do so." "There is a definite reluctance among parents to permit female children to attend the Malay vernacular schools...."

These samples from Mr. Peel's report show that there is plenty to be done in Brunei, in one way or another. In fact, the whole system of public services in the State is very backward and badly needs bringing up-to-date. But there is one great asset on which Brunei can count, and that is the Seria oilfield, worked by the British Malayan Petroleum Company, a subsidiary of the Shell group. Before the war, more than one third of the Brunei revenue came from oil, and the production of this oilfield is now being increased as fast as possible, so there should be money to pay for social progress in Brunei in the years to come. And Brunei certainly needs it.

59706/47

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59706/47

SARAWAK.

NO. 28

Colonial Office,

Great Smith Street,

S.W.1.

23 March, 1948

Ans (36)

Sir,

I have the honour to transmit to you a Commission dated the 9th March, 1948, passed under the Royal Sign Manual and Signet, appointing the Officer for the time being Administering the Government of Sarawak to be High Commissioner for Brunei.

2. I have to request that you will be good enough to acknowledge the receipt of this despatch and its enclosure; and to report to me by telegram the day on which this Commission is published in the State of Brunei.

3. A copy of this despatch, together with three prints of the Commission, is being sent to the Governor-General's Office.

I have the honour to be
Sir,

Your most obedient,
humble servant,

(sgd) A. Creech Jones.

GOVERNOR

SIR CHARLES ARDEN CLARKE, K.C.M.G.,
etc., etc., etc.,

C. O.

Mr. A.W.A. Smith. 9/3

Mr. Ramage. Ashton 2/3

Mr. G. Whately. 9/3

Mr. T.S.

Permt. U.S. of S. 59706/48.

Parly. U.S. S.

Secretary of State.

Your Reference.....

S.G.

DRAFT.

23 March, 1948.

SARAWAK.

Sir,

No. 28

GOVERNOR.

Commission.
(Sealed copy & six prints -
R.410 will supply.)

I have etc. to transmit to you a Commission dated the 9th March, 1948, passed under the Royal Sign Manual and Signet, appointing the Officer for the time being Administering the Government of Sarawak to be High Commissioner for Brunei.

2. I have to request that you will be good enough to acknowledge the receipt of this despatch and its enclosure; and

FURTHER ACTION.

(1) Copy for R.410.

(2) Copy, with 3 prints of enclosure to Acting Governor-General, Malaya, L.F. "information".

(28)

to/

77

the
to report to me by telegram/~~xx~~ day

on which this Commission is published
in the State of Brunei.

3. A copy of this despatch, together
with three prints of the Commission, is
being sent to the Governor-General's
Office.

I have, etc.,

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GEORGE R.

GEORGE THE SIXTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith: To the person for the time being administering the Government of Our Colony of Sarawak, Greeting.

Whereas by a Commission under the Royal Sign Manual and Signet bearing date the Tenth day of December, 1906, His Majesty King Edward the Seventh did appoint the Governor and Commander-in-Chief in and over the Straits Settlements, or in his absence the Lieutenant-Governor or the Officer for the time being administering the Government of the said Straits Settlements and their Dependencies, to be, High Commissioner for the State of Brunei, in the Island of Borneo, which said State is under Our Protection:

Recites
Commission
of 10th
December,
1906.

And Whereas We are minded to make fresh provisions for filling the Office of Our High Commissioner of the said State of Brunei, in the Island of Borneo, and for the due execution of the duties thereof:

Now therefore We do by this Our Commission under Our Sign Manual and Signet appoint you, the person for the time being Administering the Government of Our Colony of Sarawak, to be, during Our pleasure, Our High Commissioner for the said State of Brunei, and as such High Commissioner to act in Our name and on Our behalf, and in all respects to represent Our Crown and authority in matters occurring within the said State, and further to take all such measures and to do all such matters and things in the State aforesaid as in the interest of Our service you may think expedient, subject to such Instructions as you may from time to time receive from Us or through one of Our Principal Secretaries of State.

Appointment
of the
Officer for
the time
being
Adminis-
tering the
Government
of Sarawak
to be High
Commis-
sioner.

II. And We do hereby appoint that so soon as you shall have caused this Our Commission to be published in the said State, this Our present Commission shall supersede the above-recited Commission of the Tenth day of December, 1906.

Commission
of 10th
December,
1906
superseded.

III. And further We do hereby command all and singular Our subjects to take due notice of this Our Commission, and to yield obedience thereunto, and to be aiding and assisting unto you, Our said High Commissioner, in the execution thereof.

British
subjects to
take notice
of Commis-
sion.

Given at Our Court at Saint James's, this ninth day of March, 1948, in the Twelfth year of Our Reign.

By His Majesty's Command,

A. CREECH JONES.

COMMISSION appointing

The Officer for the time being Administering the Government of Sarawak, to be High Commissioner for BRUNEI.

Mr. Seeley

79

25.

When these papers reached the Private Office on Saturday, 28th February, Mr. Proctor was in Manchester and nothing could be done about an arranged P.Q. until Monday mid-day. Both Sir G. Whiteley and Mr. Ashton were told about this on Saturday morning and Mr. Ashton took the papers away, returning them to me on the 1st March. There was some difficulty about getting Mr. Reid to put down the Question and when he did so instead of asking for a written reply on the 2nd March, he asked for an Oral reply on Wednesday, 3rd March.

Mr. Proctor therefore asked Mr. Reid to withdraw his question and approached Mr. David Jones, who promised to put down the Question (in a different form) for a written reply on 2nd March. The Speaker did not accept Mr. Jones's question until the morning of the 2nd March. He was told that until we were sure that the Question would be asked it was no use telegraphing to Singapore and Sarawak. I informed Mr. Ashton immediately the Speaker accepted the Question and he collected the papers from the Private Office.

W.H. Osborne

4th March, 1948

M' Newsam

I am not clear
 why, altho' H.
 Gen. William appeared
 21 or 27 Feb. the
 papers were not
 sent to FE Dep't (B)
 - as requested in
 my minute of the
 same day - until
 the 1st March. The
 C. High Commissioner
 & the Governor have
 probably said
 made things about
 our failure to
 give them information
 until the very last
 minute for
 3/3

Tel. : WHI. 9191

Extension.....

Communications on this subject
should be addressed to—

THE UNDER SECRETARY OF STATE,

COLONIAL OFFICE,

LONDON, S.W.1.

and the following
Number quoted :

Your Reference.....

Draft
TELEGRAM / SAVINGRAM

File No. **23/48**
59706/48

C.O.

(1) Addressed To :—

GOVERNOR-GENERAL SINGAPORE **No. 81**

(2)

Repeated to :— GOVERNOR, SARAWAK. **No. 1100**

Mr. Ashton 1/3

MX Sir G. Whiteley 2/3

Mr.

Mr. See 2/3 atara

Permt. U.S. of S.

Parly. U.S. of S.

S. of S.

For transmission :—

In **Clear**

Code

OTR Cypher

A/1370

Priority :—

N.I.

~~Reply immediately required~~

Important

IMMEDIATE

Most Immediate.

Ansd(29)

No.

ROUTED

CONFIDENTIAL

SECRET

TOP SECRET

Addressed Acting Governor-General, Singapore **No. 217**

Repeated, Governor, Sarawak. **No. 80**

Your telegram No. 79.

Brunei Press Communique.

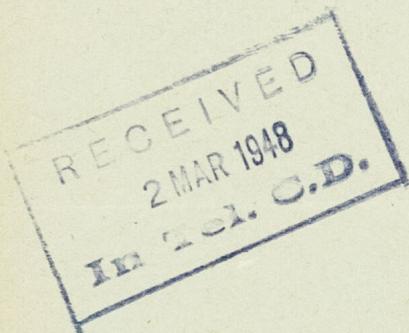
Changes will be announced in reply to written question which will be published in Hansard to-morrow (Wednesday). Agreed communiqué may therefore be published in local press to-morrow morning.

Greatly regret shortness of notice and inconvenience caused.

NOT COPIED

Distribution :—

Further action :—



Draft
TELEGRAM / SAVINGRAM

File No.

23

59706/48

C.O.

To :—

GOVERNOR-GENERAL SINGAPORE

Sent.

hours.

Mr. Ashton 1/3

Repeated to :— GOVERNOR, SARAWAK.

194

*Sent to Tel Sec
10.30 AM 2/3.*

Mr. Sir G. Whiteley

Mr.

Mr.

Permt. U.S. of S.

Parly. U.S. of S.

S. of S.

For transmission :—

In ~~Clear~~

~~Code~~

Cypher

Priority :—

~~Nil~~

~~Reply urgently required~~

~~Important~~

~~Immediate~~

Most Immediate.

No.

~~Restricted~~

~~Confidential~~

Secret.

~~Top Secret~~

Addressed Acting Governor-General, Singapore

Repeated, Governor, Sarawak.

Your telegram No. 79.

Brunei Press Communiqué.

Changes will be announced in reply
to written question which will be published
in Hansard to-morrow (Wednesday). Agreed
communiqué may therefore be published in
local press to-morrow morning.

Greatly regret shortness of notice
and inconvenience caused.

Distribution :—

Further action :—

Mr. D. T. Song.

83 22
Mr Proctor has been
asked to arrange for
the Question to be asked for
written reply Tues. 2/3/42

To ask the Secretary of State for the
Colonies whether any changes are contemplated
in the administrative arrangements for
Brunei.

If he can make a statement
regarding any changes in
contemplation in the admini-
arrangements for Brunei

C.O.

Mr. Mayle 27/2/48

Mr. Scar 27/2

Mr. _____

Mr. _____

Mr. _____

X Permt. U.S. of S. 27.2

X Parly. U.S. S. ~~27/2~~ at once

Secretary of State:

Your Reference.....

written reply
for Tuesday 2 March**DRAFT. PARLIAMENTARY QUESTION**

Mr D. T. Jones.

To ask the Secretary of State for the Colonies whether any changes are contemplated in the administrative arrangements for Brunei.

DRAFT ANSWER

Yes Sir. Certain administrative changes have recently been agreed between the Governor-General and His Highness the Sultan and members of the State Council of Brunei, and approved by His Majesty the King. As the result of these changes the Governor of Sarawak will assume the duties of High Commissioner for Brunei; Heads of certain Sarawak technical departments will be available to act in an advisory capacity to His Highness the Sultan; and officers of the Sarawak Service will be seconded for service with the Brunei Administration in the same way as officers on the Malayan Establishment are now seconded. These changes are administrative and involve no alteration in the position of Brunei as a State under His Majesty's protection nor in the status and powers of His Highness the Sultan and his State Council.

FURTHER ACTION.

INWARD TELEGRAM

20.

TO THE SECRETARY OF STATE FOR THE COLONIES

85

Cypher (C.T.P.)

COPY FOR REGISTRATION

**FROM ACTING GOVERNOR-GENERAL MALAYA
(at Singapore)**

D. 27th February, 1948.

R. 27th " " 11.40 hrs.

IMMEDIATE

G.G. No. 79 Secret.

(19) Your telegrams No. 204 and
No. 205. (18)

Brunei Press communique.

1. Your further amendments all agreed.

2. Trust date allocated greatly postponed as I am anxious that British Resident should make tour referred to in paragraph 7 of our savingram No. 5 of 10th January before Listowel's arrival in Brunei on 11th.

3. Governor of Sarawak is being kept informed.



86

Immediati

Tel Section

Pl. retain these
1511 Mayle
as soon as the
titles have been
sent off

for

2572

C. O.

Mr. Mayle W 1/2/48 arrive
 Mr. to arrive
 Mr. 7 am A Permit. U.S. of S.
 Mr. Parly. U.S. S.
 Mr. Secretary of State.

*Codet 9 sent
14.30 hrs
25.2.48*

Your Reference _____

X No. 205 Confidential

**DRAFT. CODE TELEGRAM**~~GOVGEN SINGAPORE~~~~ACTING GOVERNOR-GENERAL,
MALAYA.~~

Brunei Press communique.

Following are amendments referred to in my immediately preceding telegram.

For paragraph one substitute:

"The amalgamation under

Mr. Malcolm MacDonald of the posts of Governor-General, Malaya and of Special Commissioner in South East Asia will take place in the course of the next few months. Thereafter in order to relieve him of administrative duties in connection with Brunei it is desirable that another representative of His Majesty should take over those duties."

For first sentence of paragraph 2(a) substitute:

"On the amalgamation of the posts of Governor-General, Malaya, and of Special Commissioner in South East Asia the Governor of Sarawak will assume the Office of High Commissioner for Brunei."

For paragraph 2(b) substitute:

"Under the new arrangement

Mr. MacDonald will have the same relationship to Brunei as he will have to the Federation of Malaya and the

FURTHER ACTION.

*Reinc to Mr
Mayle urgently.*

Colonies of Singapore, Sarawak and
North Borneo."

A
59706/48

89

18

C. O.

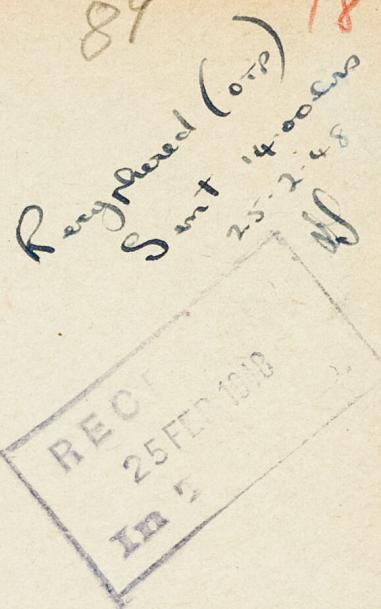
Mr. Mayle 2/2/48

Mr. See 2/2/48

Mr. _____ attorney

Mr. _____ Party. U.S. S.

Mr. _____ Secretary of State.



DRAFT. ^{OTP.} CYpher TELEGRAM

~~ACTING GOVERNOR-GENERAL,
MALAYA.~~

~~GOVGEN SINGAPORE~~

Your Reference

Brunei

No..... 204

Your telegram G.G.No.74.

Brunei Press communique.

1. I agree with amendments in paragraphs 3 and 4.
2. The further amendments set out in my immediately following telegram have been suggested here. They should be adopted unless you see any objection to them in which case you will no doubt telegraph further.
3. Grateful if you would defer final arrangements for local publication on 2 March as question of announcement in Parliament is under consideration here. Will telegraph further on this as soon as possible.
4. Presume Governor, Sarawak, is being kept informed.

NOT COPIED

FURTHER ACTION.

Reinstruct Mr. Mayle
urgently.

PRESS ANNOUNCEMENT INCORPORATING
FOREIGN OFFICE AMENDMENTS

1. The amalgamation under Mr. Malcolm MacDonald of the posts of Governor-General, Malaya and of Special Commissioner in South East Asia will take place in the course of the next few months. Thereafter in order to relieve him of administrative duties in connection with Brunei it is desirable that another representative of His Majesty should take over those duties.

2. At a recent meeting between His Excellency and His Highness The Sultan and the members of the State Council of Brunei it was unanimously agreed that a number of administrative changes should be proposed. They have now received the approval of His Majesty the King on the advice of the Secretary of State and are as follows:-

- (a) On the amalgamation of the posts of Governor-General, Malaya and of Special Commissioner in South East Asia the Governor of Sarawak will assume the Office of High Commissioner for Brunei. As such he will exercise the same powers as were exercised before the war by the Governor and High Commissioner at Singapore.
- (b) Under the new arrangement Mr. MacDonald will have the same relationship to Brunei as he will have to the Federation of Malaya and the Colonies of Singapore, Sarawak and North Borneo.
- (c) The British Resident, Brunei, will remain under the authority of the High Commissioner for Brunei and will retain the same powers as he now exercises.
- (d) The heads of certain Sarawak technical departments, e.g. the Education, Health, Public Works and Agriculture Departments, will act in an advisory capacity to His Highness The Sultan regarding their respective

respective subjects. This will assist in meeting the wish of the authorities and people of Brunei for improved education and other services. Colonial Service officers on the Sarawak Establishment will be seconded for service with the Brunei Administration in the same way as such officers on the Malayan Establishment are now seconded.

- (e) Brunei will continue to have its own budget as before, and will pay the Sarawak Government for the services rendered in the same way as it now does for the services of officers in the Brunei Administration who are on the Malayan Establishment.

These changes are administrative and involve no alteration in the position of Brunei as a State under His Majesty's protection nor in the status and powers of His Highness The Sultan and his State Council.

Press Communiqué at (11) Amendments suggested by H.O.

8a

Para 1 Substitute

"The amalgamation under Mr. Malcolm Mac Donald of the posts of Gov. Genl. Malaya & of Special Commissioner in S.E.A. will take place in the course of the next few months. Thereafter in order to relieve him of administrative duties in connection with Brunei it is desirable that another representative of H.M. should take over those duties."

Para 2 No change

Para 2(a) for first sentence substitute :

"On the amalgamation of the posts of Gov. Gen. Malaya & of Special Commissioners in S.E.A. the Governor of Sarawak will assume the ~~existing~~ office of High Commissioner for Brunei."

Para 2(b) substitute :-

"Under the new arrangement Mr MacDonald will have the same relationship to Brunei as he will have to the Federation of Malaya & the Colonies of Singapore, Sarawak, & North Borneo"

15
93

INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher(O.T.P.)

FROM ACTING GOVERNOR-GENERAL MALAYA
(at Singapore)

D. 23rd February, 1948.
R. 23rd " " 06.50 hrs.

IMMEDIATE

G.G. No. 74

After consultation with Resident Brunei, propose that press communique should be released for publication in the local morning papers Tuesday, 2nd March.

2. As result of preliminary discussions with Public Relations Officer here, suggestion has been made for two further amendments in the communique, which I shall be grateful if you will consider.

3. In the second sentence of paragraph 2 it is suggested that words "of His Majesty the King on the advice of the S. of S." should be added after the word "approval". Fact that these changes have had His Majesty's approval will undoubtedly give general pleasure and satisfaction in Brunei itself and addition therefore seems worthwhile for purpose of assisting a good local reception to the announcement. I realise, however, you may think that this amendment is not desirable or wish to amend formula proposed.

4. In sub paragraph (c) paragraph 2 it is proposed include words "for Brunei" after words "High Commissioner".
✓ I think this is an important change to avoid any confusion with High Commissioner for the Federation.

5. Both amendments proposed above have been discussed with Lord Listowel, who authorises me to say that he agrees with them.

6. Grateful to receive your very early reply.

INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

94

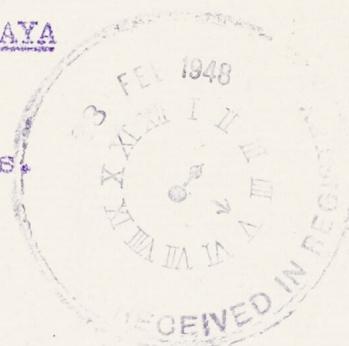
COPY FOR REGISTRATION

Cyphed(O.T.P.)

**FROM ACTING GOVERNOR-GENERAL MALAYA
(at Singapore)**

D. 23rd February, 1948.

R. 23rd " " 06.50 hrs.



IMMEDIATE

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5. Both amendments proposed above have been discussed with Lord Listowel, who authorises me to say that he agrees with them.

6. Grateful to receive your very early reply.

59706/48

14 95

C. O.

Mr.

Ashton &/
Sir Whitley

18/2

Recovered O.T.P. & sent

Mr.

at once

1130 hrs. 20/2

P.H.T.

Mr.

Mr. Secy

19/2

Permt. U.S. of S.

Parly. U.S. S.

Mr.

Secretary of State.

DRAFT.

(cypshn O.T.P)
Tele.)

Your Reference.....

(SECRET)

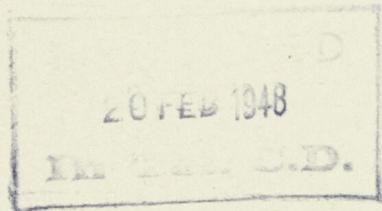
No 193

Abby G=Gr

(13)

Yours tele. 177 No. 62 ~~Secre~~

GANGEN Singapore



Proposed amendment to
sub-para. (a) of para. 2. of
the press ~~statement~~ ^{communique} is
approved.

FURTHER ACTION.

Recie. to Mr.

Ashton in three
weeks.

L.G.T. a/c

NOT COPIED]

INWARD TELEGRAM

TO THE SECRETARY OF STATE FOR THE COLONIES

Cypher(O.T.P.)

RECEIVED IN REGISTRY
13 FEB 1948
1948

FROM ACTING GOVERNOR-GENERAL MALAYA
(at Singapore)

D. 12th February, 1948.

R. 12th " " 12.00 hrs.

G.G.No. 62 Secret

II.

1. I have seen your savingram No. 24 of 30th January addressed to the Secretary-General giving the text of press communique regarding Brunei.

2. I would suggest for your consideration that, as a matter of accuracy, the last two lines of sub paragraph (a) of paragraph 2 might more uniformly read as follows:-

"As were exercised before the war by the Governor and High Commissioner at Singapore".

3. I am consulting British Resident Brunei regarding the date of publication and will communicate further as to this shortly.

OUTWARD TELEGRAM

FROM THE SECRETARY OF STATE FOR THE COLONIES

12
97

59706/48

Cypher (O.T.P.)

TO ACTING GOVERNOR GENERAL, MALAYA.

Sent 6th February, 1948. 10.30 hrs.

No. 153 Secret.

My telegram No. 99 and Saving No. 24.

Brunei.

Changes have received H.M.'s approval.

Commission appointing Governor Sarawak to be High Commissioner is being prepared and will be forwarded direct to Governor Sarawak with copies to you.

2. As requested in para. 2 of my Saving No. 24 please notify date proposed for local publication of Press communiqué.

12

59706 98

C. O.

Sir G Whitley 5/2

Mr.

Mr.

Mr.

Mr.

at our

Permt. U.S. of S.

Parly. U.S. S.

Secretary of State.

Decyphered

OTP

Soul-
10.30hrs
6.2.48

Telex No 153 Secret

Alt

Your References

DRAFT. (10) + (11)
Telex ^(OT) CypherGovernor General
Malaya
Singapore

GOVGEN SINGAPORE

My telex No 99 + Saving No 24
Brunei.

Also:

Changes have received H.M.'s approval.

* Commission ~~existing~~ appointment

Governor Sarawak to be High

Commissioner is being prepared
+ will be forwarded ~~after signature~~
direct to Governor
Sarawak with copies to you.2 As requested in para 2 of
my Saving 24 please notify
date proposed for local
publication of Press communique

FURTHER ACTION.

Recirc to
Mr Ramage

R 531

II

Saving.

From the Secretary of State for the Colonies.

SECRETARY-GENERAL

To the Officer Administering the Government of SINGAPORE

Date 30 January, 1948.

No. 24 Saving. PRIORITY SECRET

Your savingram No. 4.

Brunei.

Following is text of Press communique as finally agreed with Governor-General: Begins.

1. The assumption of additional duties in S.E.A. by His Excellency The Governor-General this year makes it desirable that he should be relieved of his administrative duties in respect of Brunei and that another representative of His Majesty should take over those duties.

2. At a recent meeting between His Excellency and His Highness The Sultan and the members of the State Council of Brunei it was unanimously agreed that a number of administrative changes should be proposed. They have now received the approval and are as follows:-

(a) On the assumption in May next by the Governor-General of the additional duties of Special Commissioner for South East Asia, the Governor of Sarawak will assume the Office of High Commissioner for Brunei. As such he will exercise the same powers as were exercised (by the Governor of the Straits Settlements before the war.)

(13)

before the war by the Governor & High Commissioner at Singapore. / (b)

of H.M. the
King on the
advice of the
S.O.S.

100

- (b) The Governor-General will have the same relationship to Brunei as he will have to the Federation of Malaya and the Colonies of Singapore, Sarawak, and North Borneo.
 - (c) The British Resident, Brunei, will remain under the authority of the High Commissioner and will retain the same powers as he now exercises.
 - (d) The heads of certain Sarawak technical departments, e.g. the Education, Health, Public Works and Agriculture Department, will act in an advisory capacity to His Highness The Sultan regarding their respective subjects. This will assist in meeting the wish of the authorities and people of Brunei for improved education and other services. Colonial Service officers on the Sarawak Establishment will be seconded for service with the Brunei Administration in the same way as such officers on the Malayan Establishment are now seconded.
 - (e) Brunei will continue to have its own budget as before, and will pay the Sarawak Government for the services rendered in the same way as it now does for the services of officers in the Brunei Administration who are on the Malayan Establishment.

Fr Bruni

These

100A

Saving:

From the Secretary of State for the Colonies.

To the Officer Administering the Government of

Date

No. **Saving.**

These changes are administrative and involve no alteration in the position of Brunei as a State under His Majesty's protection nor in the status and powers of His Highness The Sultan and his State Council. Ends.

2. Please notify date proposed for local publication in due course to enable publication here to be synchronised.

SECER.

Wt. 23364/865. 8/47. 50,000. S. & S. Ltd.

C. O.

Mr. Ramage 22/1

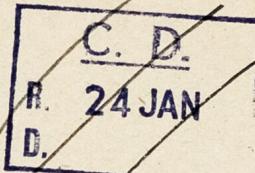
Mr. Sir G. Whitley 22/1

Mr. at once

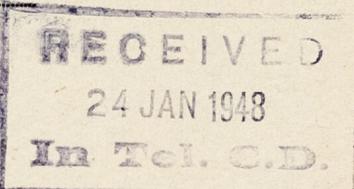
Mr.

Mr.

Mr.



59706/48



Secret

50 JAN 1948

Your Reference No 24 saving

Your savingram No 4.

Brunei.

DRAFT. Priority savingram

Governor
Secretary - General
Singapore
Malaya

Following is text of Press communique
as finally agreed with Governor-General:
begins:

1. The assumption of additional duties
His Excellency
in S.E.A. by ~~H.E.~~ The Governor-General
this year makes it desirable that he
should be relieved of his administrative
duties in respect of Brunei and that
another representative of ~~H.M.~~ His Majesty
should take over those duties.

His Excellency

next

- (a) On the assumption in May, by the Governor-General of the additional duties of Special Commissioner for South East Asia, the Governor of Sarawak will assume the Office of High Commissioner for Brunei. As such he will exercise the same powers as were exercised by the Governor of the Straits Settlements before the war.
- (b) The Governor-General will have the same relationship to Brunei as he will have to the Federation of Malaya and the Colonies of Singapore, Sarawak, and North Borneo.
- (c) The British Resident, Brunei, will remain under the authority of the High Commissioner and will retain the same powers as he now exercises.
- (d) The heads of certain Sarawak technical departments, e.g. the Education, Health, Public Works and Agriculture Departments, will act in an advisory capacity to H.H. The Sultan regarding their respective subjects. This will assist in meeting the wish of the authorities and people of Brunei for improved education and other services. Colonial Service officers on the Sarawak Establishment will be seconded for service with the Brunei Administration in the such same way as officers on the Malayan Establishment are now seconded.

Wt. 23364/665. 8/47. 50,000. S. & S. Ltd.

C. O.

Mr.

Mr.

Mr. Permit. U.S. of S.

Mr. Parly. U.S. S:

Mr. Secretary of State:

Mr.

Your Reference.....

DRAFT.

(e) Brunei will continue to have its own budget as before, and will pay the Government of Sarawak ~~but~~ for the services rendered in the same way as it now does for the services of officers in the Brunei Administration who are on the Malayan Establishment.

These changes are administrative and involve no alteration in the position of Brunei as a State under His Majesty's protection nor in the status and powers of His Highness the Sultan and his State Council. Ends.

FURTHER ACTION.

221.

2 Please notify date proposed for local publication in due course to enable publication here to be synchronised.

Seeer

OUTWARD TELEGRAM

10

FROM THE SECRETARY OF STATE FOR THE COLONIES
59706/48

104

Cypher (O.T.P.)

TO SECRETARY GENERAL, SINGAPORE

Sent 25th January, 1948. 13.30 hrs.

No. 99 Secret.

Following for Hone from MacDonald. Begins.

(1)

Your savingram No. 5.

Brunei.

I have discussed with Colonial Office and agree generally with action proposed, both in Brunei itself and with regard to your press conference in Singapore.

2. I suggest it would be as well to explain changes to Inche Salleh and leading members of his association before publication. If Foul thinks this unwise, I accept his judgment and do not press suggestion.

3. Revised text of press communique as agreed with Colonial Office follows by savingram. It can now be shown to Sultan.

4. Colonial Office will telegraph when formalities have been carried out here. Ends,

108

59706/48

Deciphered O.T.P., Sent 13.30 hrs
25/1 88

10

Mr. Range 22/1

Mr. Sir G. Whitley 21/1

Mr. Mayle 21/1, arran

Mr.

Mr. no PBS

Permit. U.S. of S.

Parly. U.S. S.

Secretary of State:

Secret

Your Reference No 99

O.T.P.

DRAFT. telegram (cipher) following for Hone from Macdonald. Begins.

Secretary-General

Your savigram No 5.

Brunei.

I have discussed with Colonial Office and

agree generally with action proposed
in both in Brunei itself and with regard
to your press conference in Singapore.

2. I suggest it would be as well to

explain changes to Uncle Salleh and

leading members of his association before
publication. If Pei thinks ^{Hon. UNWISE} otherwise,
accept his judgement and do
not press suggestion.

3. Revised text of press communique

as agreed with Colonial Office follows by
savigram. Ends in case how

be shown to Sultan.

FURTHER ACTION.

Reference to

59706/48

4. Colonial Office

will telegraph when
formalities have
been carried ^{CARRIED} out
here end.

Sir G. Whitley

9 106



SANDRINGHAM, NORFOLK.

25th January, 1948.

Dear Watson.

8

I am answering your letter to Sir Alan Lascelles of the 24th January which I have laid before The King.

His Majesty is pleased to approve the assumption by the Governor of Sarawak of the functions of High Commissioner for Brunei, and will be pleased to sign a Submission accordingly.

Yours sincerely,

Edward Sandys

N. D. Watson, Esq.,
Colonial Office,
Church House,
Great Smith Street, S.W.1.

59706/48 Brunei.

24th January, 1948.

Dear Sir Alan,

8
107

Before the war, under a Commission of 1st January 1906 passed under the Royal Sign Manual and Signet, the Governor of the Straits Settlements was also High Commissioner for the small Malay state of Brunei, on the North West Coast of Borneo. As a result of the constitutional changes in Malaya there is no longer a Governor of the Straits Settlements, and it is therefore necessary to make fresh provision for filling the office of High Commissioner for Brunei. The duties have in the meantime been performed by the Governor-General, Malaya. It is now proposed that the Governor of Sarawak, which surrounds and divides the territory of Brunei, should be appointed High Commissioner, and the Sultan of Brunei and his State Council have expressed their full agreement with this proposal to which it is hoped to give effect on the 1st May, 1948.

The British Resident, Brunei, will under this proposal remain under the authority of the High Commissioner for Brunei, and will retain the same powers as he now exercises. The Governor of Sarawak, as High Commissioner for Brunei, will have the same relationship to the Governor-General as do the Governors of Singapore and North Borneo, and the High Commissioner for the Malayan Federation, in respect of their territories.

Mr. Creech Jones would be grateful if you would ascertain whether the proposed change meets with His Majesty's approval. If so, a Commission will be prepared and submitted accordingly.

Yours sincerely,

(Sgd.) N.D. WATSON.

Private Secretary.

The Right Honourable
Sir Alan Lascelles,
K.C.B., K.C.V.O., C.M.G., M.C.

S. O.

'B'

Mr. Ramage 4/12

Mr. Sir G. Whiteley 5/12

Mr. Mayle 19/4/1948

Mr. Seel 23/

Mr. Watson 1/28/1948

Permit. U.S. of S.

Parly. U.S. S.

Secretary of State:

Ans'd - 9.

Your Reference.....

DRAFT. LETTER.For Mr. N.D. Watson's signature

Dear Sir, Alan,

Before the war, under a Commission of 1st January 1906 passed under the Royal Sign Manual and Signet, the Governor of the Straits Settlements was also High Commissioner for the small Malay state of Brunei, on the North West Coast of Borneo. As a result of the constitutional changes in Malaya there is no longer a Governor of the Straits Settlements, and it is therefore necessary to make fresh provision for filling the office of High Commissioner for Brunei. The duties have in the meantime been performed by the Governor-General, Malaya, but it is now proposed that the Governor of Sarawak, which surrounds and divides the territory of Brunei, should be appointed High Commissioner, and the Sultan of Brunei and his State Council have expressed their full agreement with this proposal, to change, which it is hoped will take place on 1st May, 1948.

The British Resident, Brunei, will under this proposal remain under the authority of the ~~High~~ ^{for Brunei} High Commissioner and will retain the same powers as he now exercises. The Governor of Sarawak, as High Commissioner for Brunei, will have the same relationship to the ~~federation~~ Governor General.

FURTHER ACTION.
as do the governors of Singapore & North Borneo, and the High Commissioner for the Malayan Federation, in respect of their territories.

M. Crichton
I would be very grateful if you would ascertain whether the proposed change meets with His Majesty's approval. If so, a Commission will be prepared and submitted accordingly.

Yours sincerely,

7
109

SAVING

C. O. RECK

From: GOVERNOR-GENERAL.
To: SECRETARY OF STATE.
Date: 10th January, 1947.
No. ~~X~~ Saving.

SECRET

Following from HONE for MALCOLM MACDONALD.

ONE. Pretty and I visited Brunei and held very useful discussions with Peel and Davis who had just arrived.

TWO. Peel reports that some time after State Council Meeting at which you were present he took precaution of sounding several members to ascertain whether, after reflection, any of them were having second thoughts on the proposal. He has no repeat no reason to think that there is still anything but full continued support for the plan from them and the Sultan.

THREE. There are, however, some rumours now circulating in one or two places in the State that a change is to be made. As generally expressed, main rumour is that the Governor of Sarawak is to be appointed also Governor of Brunei. The reaction to this rumour is that some people are said to be asking why Brunei should be made subordinate to Sarawak.

FOUR. Peel feels (a) that a leakage from State Council and/or Hassan who apparently knows of the proposals was inevitable (b) that an early correction of the rumours is desirable (c) that official announcement will be well received if it is adequately explained to the people.

FIVE. In view of above and request to you by State Council that early announcement should be made, Pretty, Peel, Davis and I are all agreed that we should not await your return but that official statement should be made within a comparatively short period.

SIX. Peel leaves on 18th January and we think Davis should have time to get round the State once and meet the people before he has to put the announcement across. On this timetable, early March would be the best time. Such delay as this involves is thought by Peel and Davis to be immaterial, but method of announcement is obviously important.

SEVEN. Without my being present, Peel, Davis and Pretty discussed method fully but informally with Ibrahim Mohamed and Awang. On their own initiative, they suggested roughly what we had planned in first discussion we held after our arrival. It is that British Resident accompanied by Bendahara as Sultan's representative should tour every district in the State and call together all District Officers, penghulus and ketuas kampong in order to explain verbally to them

- 2 -

the plan. This would take about a week. They made the very useful suggestion that explanation should include what the plan does not repeat not mean. Such as, it will not entail application of Sarawak laws or the posting of Sarawak native officers to Brunei. They confirmed that if carefully explained, plan will be fully acceptable and will scotch existing incorrect rumours.

EIGHT. Pretty asks me to tell you that after very full discussion with his correspondent and the other members of State Council mentioned above he is now quite satisfied that no dangerous repercussions are to be expected from any section of the local population.

NINE. Above has been seen and agreed by Arden-Clarke to whom we reported on our return journey.

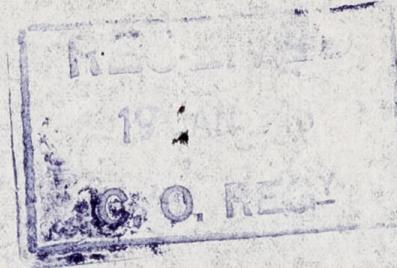
TEN. In our discussions at Brunei we had thought the local publication described above should preferably be made immediately before the official communique is released to world press, in case some mischievous person in Singapore or elsewhere put across some bad stuff to any part of Brunei before Resident had reached it. Admittedly this risk is small and can easily be dealt with if it occurs. Arden-Clarke therefore advises (and Pretty and I agree) that Resident should start his tour of country immediately after world release of official communique.

ELEVEN. If above is approved, I will communicate later with Colonial Office to fix final date of publication after getting views of Davis. Should propose press conference in Malaya to explain background just before release.

GOVGEN.

Copies to: British Resident, Brunei.
The Governor of Sarawak.
The Governor of the Malayan Union.

SAVING



From: SECRETARY-GENERAL TO GOVERNOR-GENERAL, MALAYA.

To: SECRETARY OF STATE FOR THE COLONIES.

Date: 10th January, 1948.

No. 4 Saving.

SECRET

Administrative Changes in Brunei.

After personal discussion with Arden-Clarke and Peel, I propose that paragraph (d) of Secret Saving 32 should be recast as follows:-

- (d) The heads of certain Sarawak technical departments e.g. the Education, Health, Public Works and Agriculture Departments, will act in an advisory capacity to H.H. The Sultan regarding their respective subjects. This will assist in meeting the wish of the authorities and people of Brunei for improved education and other services. Colonial Service Officers on the Sarawak Establishment will be seconded for service with the Brunei Administration in the same way as such officers on the Malayan Establishment are now seconded.

GOVGEN.

112

5

Mr Mayle

No comments have
been made on
this, & you may
now take it as
approved, Mr Lueke
says.

D Smith

16/1

Bu 1691

(comes up to my eye)

113

(THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT)

S E C R E T

Reference C.A. (47) 22

COPY NO. 21

CABINET

COMMONWEALTH AFFAIRS COMMITTEE

FUTURE OF BRUNEI

Note by the Secretary

As the Secretary of State for the Colonies is anxious for an early decision on the proposal in his memorandum on the Future of Brunei (C.A. (47) 22), the Prime Minister has agreed that Ministers should be invited to send any comments to me by 12 NOON, WEDNESDAY, 14TH JANUARY, 1948.

(Signed) S.E.V. LUKE
Secretary

Cabinet Office, S.W.1.

10TH JANUARY, 1948.

~~Top~~
Mr. Mangle

H
114

(THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT)

~~SECRET~~

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(Signed) S. E. V. LUKE
Secretary

Cabinet Office, S.W.1.

10TH JANUARY, 1948.

3
115

ADMINISTRATIVE CHANGES
IN BRUNEI

Note for discussion with Governor-General

1. We expect to get the Cabinet Committee's agreement to the proposed changes within the next week. They will then be submitted to the King. When H.M.'s approval has been given we can issue the Press communique, and take the necessary steps for making the changes, namely -
(a) the preparation and issue of a Commission appointing the Governor of Sarawak as High Commissioner for Brunei, and (b) the amendment of the memorandum relating to the Governor-General's status and duties.

2. As regards the Press communique, we suggest, for consideration, the following amendments in the draft set out in the Governor-General's telegram No.32 Saving:-

- (2)
- (a) Amend first paragraph so as to read as follows - "The assumption of additional duties in S.E.A. by His Excellency the Governor-General this year makes it desirable that he should be relieved of his administrative duties in respect of Brunei and that another representative of His Majesty should take over those duties.
- (b) Substitute the word "proposed" for the word "made" in the fourth line of the second paragraph,] *In Native State in May*
- (c) Omit the words "and by the Governor-General since his appointment after the war" at the end of sub-paragraph (a) of the second paragraph.
- (d) Amend the last part of sub-paragraph (d) of the second paragraph so as to read -

and re-word beginning of the following sentence to read - "They have now received approval and are as follows:-
....."

"This

"This will assist in meeting the wish of the authorities and people of Brunei for improved education and other services."

3. The Governor-General will have learned from the Secretary of State's telegram No.12 (copy annexed) that we have not taken any action, in response to his telegram No.468 (copy also attached) to formalise his own appointment as High Commissioner for Brunei. As explained in the Secretary of State's telegram, such action would not have helped over the particular problem of the new Malayan Establishment Agreement which, in any case, for the reasons given, may no longer be a live issue. It is assumed that there is no reason why the Governor-General should not continue to act as High Commissioner for Brunei under his existing authority until the Governor of Sarawak becomes High Commissioner in May next, and that it is not necessary to issue a commission to the Governor-General as High Commissioner for Brunei for the short period involved.

Colonial Office,

6.1.48.

COPY

117

O.T.P. CYPHER TELEGRAM

IMMEDIATE

No. 12 Secret.

GOVERNOR-GENERAL,

SINGAPORE.

Your telegram G.G. No.468.

1. It would not be practicable to enable you to exercise any powers expressly conferred upon High Commissioner for Brunei unless you were formally appointed to (or to act in) the post by His Majesty. Memorandum on your Status and Duties, however, especially paragraphs 1, 7 and 10, gives you general authority similar to that of High Commissioner pending new arrangements.

2. As regards point in paragraph 2 of your telegram, I am advised on information immediately available here that even if you were commissioned as High Commissioner, you would not repeat not, as H.M.'s representative, have authority to sign any agreement on behalf of Brunei, and that any such agreement could only be signed by Sultan himself or someone duly authorised by him. Unless therefore anyone is already so authorised there would be no alternative but to approach Sultan for necessary authority if new establishment agreement is necessary.

3. If, however, procedure regarding existing agreements proposed in paragraph 4 of my telegram to Malayan Union No.1592 repeated to you as No.756 is adopted, there will be no need of a new establishment agreement in the immediate future and question in your telegram would not arise.

59706/47

118 2A

C. O.

Mr. Mayle 5/1/48

Mr. Jack 5/1Mr. at once

Mr.

Mr.

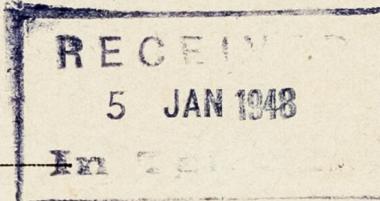
Recyphered & sent
1500hrs 5/1 P.M.

Permt. U.S. of S.

Parly. U.S. S.

Secretary of State.

Your Reference.....

DRAFT. CYPHER TELEGRAM ^{01P}IMMEDIATENo. 18... Secret

NOT COPIED

GOVERNOR-GENERAL,

MALAYA.

(1) & (2)

Your savingrams Nos. 31 and 32.

Brunei administrative changes.
Formalities necessary for approval
~~I have not yet cleared proposals~~
are not yet complete. ~~then~~
with my colleagues and they have ~~to~~ be
submitted to Palace. In circumstances

I am afraid there is no chance of
 publishing communique before you leave
 Singapore. Proposed text in your
 savingram No. 32 which arrived to-day is
 being considered and can if necessary be
 discussed with you when you are here.

FURTHER ACTION.

Restore to 59706

47

SAVING**RECEIVED**

C. O. R.

From: GOVERNOR-GENERAL, MALAYA.
 To: THE SECRETARY OF STATE FOR THE COLONIES, LONDON.
 No. 32 Saving.

SECRET

PRESS COMMUNIQUE.
ADMINISTRATIVE CHANGES IN THE STATE OF BRUNEI

The assumption of additional duties in S.E.A. by His Excellency the Governor-General next year makes it desirable that he should be relieved of his duties as High Commissioner of Brunei, and that another representative of His Majesty should be appointed to fill that office.

At a recent meeting between His Excellency and His Highness the Sultan and the members of the State Council of Brunei it was unanimously agreed that a number of administrative changes should be made. They have now received [the] approval of the Secretary of State for the Colonies and are as follows:-

- (a) On the assumption next year by the Governor-General of the additional duties of Special Commissioner for South East Asia, the Governor of Sarawak will assume the office of High Commissioner of Brunei. As such he will exercise the same powers as were exercised by the Governor of the Straits Settlements before the War, and by the Governor-General since his appointment after the War.
- (b) The Governor-General will have the same relationship to Brunei as he will have to the Federation of Malaya and the Colonies of Singapore, Sarawak and North Borneo.
- (c) The British Resident, Brunei, will remain under the authority of the High Commissioner and will retain the same powers as he now exercises.
- (d) The heads of certain Sarawak technical Departments, e.g. the Education, Health and Agriculture Departments, will become also advisers to His Highness the Sultan regarding their respective subjects. This will meet the wish of the authorities and people of Brunei for improved education and other services.
- (e)

- 2 -

- (e) Brunei will continue to have its own Budget as before and will pay the Sarawak Government for the services rendered in the same way as it now does for the services of officers in the Brunei Administration who are on the Malayan Establishment.

These changes are administrative and involve no alteration in the position of Brunei as a State under His Majesty's protection nor in the status and powers of His Highness the Sultan and his State Council.

GOVGEN

SAVING

priv

12/END

From: GOVERNOR-GENERAL, MALAYA.
To: SECRETARY OF STATE FOR THE COLONIES.

Date: 24th December, 1947.

No. 3/ Saving.



SECRET

URGENT

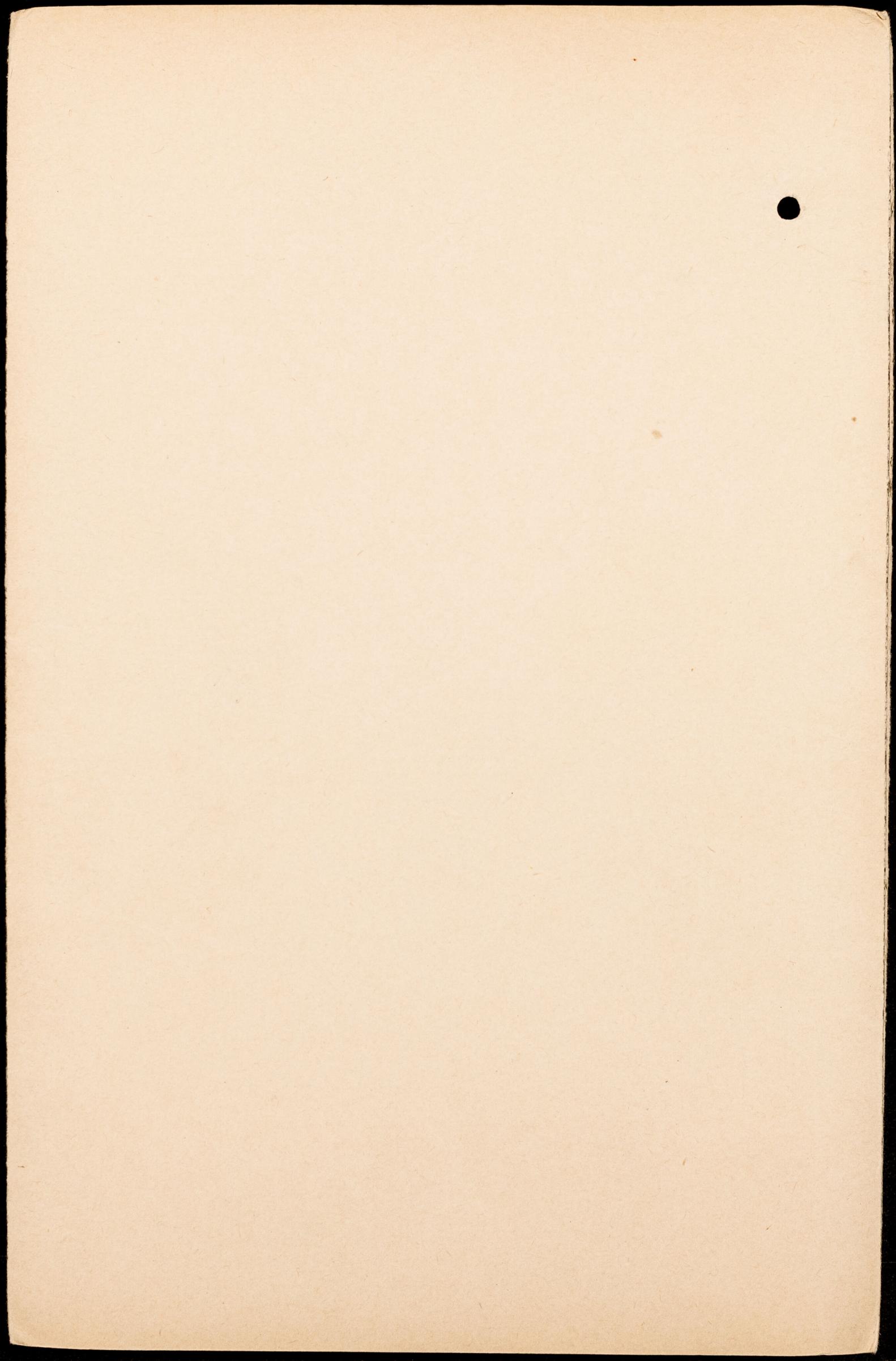
(2)

1. My immediately following Savingram contains text of Press Communique about impending change in High Commissionership for Brunei, for your consideration. I discussed this with Arden Clarke when I was in Kuching last week, and the draft embodies our suggestions. I have now sent him a copy of the draft, in case he wishes to suggest amendments to its wording. I have also sent a copy to Peel in Brunei and asked him to send me any amendments which he desires.

2. I should like, if possible, to issue this statement for publication before I leave Singapore on January 7th. I hope, therefore, that it may be convenient to you to telegraph your comments and amendments in time for that.

3. I have asked Peel not to show the draft to the Sultan until I hear from you, in case you wish any substantial alterations. When we have reached agreement on the draft, Peel will show it to the Sultan prior to publication. When Peel and I had our talks with the Sultan and his State Council, they all urged that the new proposals should be published at an early date.

GOVGEN



Constitution. 1948. MS Records of the British Colonial Office CO 943/1/5. The National Archives (Kew, United Kingdom). State Papers Online Colonial, link.gale.com/apps/doc/LGNIQU731439184/SPOC?u=omni&sid=bookmark-SPOC&pg=1. Accessed 20 Dec. 2024.